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1
2 An act relating to education funding; creating part IX
3 of ch. 159, F.S.; providing a short title; providing a
4 purpose; providing definitions; requiring that the
5 State Board of Education establish a program for
6 allocating the state volume limitation imposed by the
7 Internal Revenue Code on qualified school
8 constructions bonds; requiring that the Department of
9 Education administer such program; providing criteria
10 for determining whether to grant a request for the
11 volume limitation; requiring that the department
12 annually determine the amount of qualified school
13 construction bonds permitted to be issued and make
14 such information available to the public; requiring
15 that any unused volume limitation at the end of each
16 calendar year be carried forward; requiring that the
17 State Board of Education and the Department of
18 Education adopt rules; amending s. 1001.20, F.S.;
19 requiring that the Office of Technology and
20 Information Services within the Office of the
21 Commissioner of Education assist school districts in
22 securing Internet access and telecommunications
23 services that are eligible for funding under the
24 Schools and Libraries Program of the federal Universal
25 Service Fund; creating s. 1001.271, F.S.; requiring
26 that the Commissioner of Education purchase the
27 nondiscounted portion of Internet access services for
28 the Florida Information Resource Network; requiring
29 each school district, the Florida School for the Deaf

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30 and the Blind, and the Regional Education Consortia
31 that are eligible for the e-rate to submit a
32 requisition to the commissioner for at least the same
33 level of Internet access services used in the 2008-
34 2009 fiscal year; requiring that each user of the
35 network identify the source of funds in its
36 requisition; amending s. 1001.28, F.S.; revising the
37 Department of Education's duties regarding distance
38 learning; amending s. 1001.395, F.S.; requiring that
39 the salary of district school board members be the
40 same amount as the annual calculation or the
41 district's beginning salary for teachers who hold
42 baccalaureate degrees, whichever is less, for a
43 specified period; amending s. 1001.42, F.S.; revising
44 provisions relating to the number of days that all
45 schools are required to operate; clarifying provisions
46 authorizing the payment of earned leave and benefits
47 accrued by a district school board employee before his
48 or her employment contract expires; amending s.
49 1001.451, F.S.; delaying the expiration of provisions
50 relating to the amount of funding distributed to each
51 school district and eligible member of a regional
52 consortium service organization; amending s. 1001.47,
53 F.S.; authorizing elected district school
54 superintendents to reduce their salary rates on a
55 voluntary basis; requiring that each elected district
56 school superintendent's salary be reduced by 2 percent
57 for the 2009-2010 fiscal year; amending s. 1001.50,
58 F.S.; clarifying provisions authorizing the payment of

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59 earned leave and benefits accrued by a district school
60 superintendent before his or her employment contract
61 terminates; limiting the amount of remuneration that a
62 district school superintendent receives annually from
63 state funds; providing a definition for the term
64 "remuneration"; limiting the use of the
65 superintendent's compensation in calculating benefits
66 under ch. 121, F.S.; encouraging district school
67 boards and superintendents to review the
68 superintendent's annual remuneration for the 2009-2010
69 fiscal year and mutually agree to at least a 5 percent
70 reduction; amending s. 1002.37, F.S.; providing that
71 the Florida Virtual School may not receive additional
72 state funds for the purpose of fulfilling the class
73 size requirements; amending s. 1002.45, F.S.; revising
74 provisions relating to school district virtual
75 instruction programs; providing definitions;
76 authorizing school districts to offer virtual
77 instruction programs through various methods;
78 specifying additional requirements for providers of
79 virtual instruction programs; providing requirements
80 for retention of approved provider status; providing
81 requirements for school district contracts with
82 providers; revising student eligibility criteria for
83 enrollment in school district virtual instruction
84 programs; revising funding and reporting provisions;
85 revising assessment and accountability provisions for
86 approved providers; providing for publication of
87 school grades and school improvement ratings; revising

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88 contract termination requirements; deleting obsolete
89 provisions; requiring that the Department of Education
90 review and report on the advisability of authorizing
91 approved private providers to provide specified
92 virtual instruction programs; amending s. 1002.71,
93 F.S.; revising provisions relating to the funding of
94 prekindergarten programs; amending s. 1003.02, F.S.;
95 conforming provisions to changes made by the act;
96 amending s. 1003.03, F.S.; extending dates relating to
97 the calculation of the number of students for purposes
98 of complying with the maximum-class-size requirement;
99 providing duties for the Department of Education if
100 the department determines that the number of students
101 assigned to any individual class exceeds the class
102 size maximum; providing for the reduction of the
103 class-size-reduction operating categorical allocation
104 under certain circumstances; requiring that the
105 department prepare a simulated calculation; amending
106 s. 1004.55, F.S.; providing that the regional autism
107 center at Florida State University, which is currently
108 located at the Department of Communication Disorders,
109 be located at the College of Medicine at Florida State
110 University; amending s. 1006.06, F.S.; providing that
111 universal school breakfast programs be offered only in
112 schools in which 80 percent or more of the students
113 are eligible for free or reduced price meals; revising
114 provisions relating to school breakfast programs to
115 include state allocations; amending s. 1006.21, F.S.;
116 revising provisions relating to the duties of district

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117 school superintendents and district school boards
118 regarding transportation; requiring that contiguous
119 school districts make provisions for reciprocal
120 policies and agreements for contracts for school bus
121 transportation services, inspections, and screening
122 requirements for public schools and public charter
123 schools; amending s. 1006.28, F.S.; clarifying the
124 definition of the term "adequate instructional
125 materials"; amending s. 1006.40, F.S.; revising
126 provisions relating to the use of the instructional
127 materials allocation; authorizing the Commissioner of
128 Education to waive for certain schools within a
129 district a requirement to purchase current
130 instructional materials; amending s. 1007.25, F.S.;
131 prohibiting public postsecondary educational
132 institutions from conferring an associate in arts or
133 baccalaureate degree upon any student who fails to
134 successfully complete certain requirements; providing
135 for a waiver and appeal process for students who have
136 a specific learning disability; requiring that each
137 public postsecondary educational institution establish
138 a committee to consider requests for such waivers;
139 providing for committee membership; repealing s.
140 1008.29, F.S., relating to the college-level
141 communication and mathematics skills examination;
142 amending s. 1008.41, F.S.; authorizing rather than
143 requiring the Commissioner of Education to employ the
144 Florida Information Resource Network to perform
145 certain functions relating to workforce education;

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146 creating s. 1010.06, F.S.; prohibiting the Division of
147 Public Schools within the Department of Education from
148 using state funds appropriated by the Legislature to
149 pay indirect costs to a university, community college,
150 school district, or other entity; amending s. 1010.11,
151 F.S.; authorizing each district school board,
152 community college board of trustees, and university
153 board of trustees to electronically transfer funds for
154 payment; amending s. 1011.09, F.S.; prohibiting a
155 district school board from using funds for out-of-
156 state travel, cellular phones, cellular phone service,
157 personal digital assistants, or any other mobile
158 wireless communication device or service through any
159 means, unless otherwise specifically approved by the
160 district school board; amending s. 1011.18, F.S.;
161 authorizing a district school superintendent to
162 transfer funds from a district school depository to
163 pay expenses, expenditures, or other disbursements if
164 proper documentation is provided; amending s. 1011.60,
165 F.S.; revising the minimum requirements for the
166 Florida Education Finance Program relating to the term
167 of operation; amending s. 1011.61, F.S.; redefining
168 the term "full-time equivalent student"; amending s.
169 1011.62, F.S.; requiring that a student who is
170 enrolled in study hall not be included in the
171 calculation of full-time equivalent student membership
172 for funding purposes; revising requirements for
173 calculating the district required local effort;
174 revising the requirements for the Department of

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175 Revenue with respect to certification of taxable value
176 as reflected by final administrative actions of the
177 value adjustment board; providing for calculating a
178 prior period funding adjustment millage in addition to
179 the required local effort millage; providing
180 definitions; extending a date relating to categorical
181 funds for instructional materials; deleting provisions
182 relating to the total allocation of state funds to
183 each district for current operation for the FEFP;
184 repealing s. 1011.68(7), F.S., relating to funds for
185 student transportation; removing a provision that
186 authorizes a district school board to transfer funds
187 to its Florida Education Finance Program; amending s.
188 1011.685, F.S.; revising provisions relating to class
189 size reduction operating categorical funds; repealing
190 s. 1011.69(4)(b), relating to funds that are excluded
191 from the school-level allocation under the Equity in
192 School-Level Funding Act; amending s. 1011.71, F.S.;
193 revising certain provisions relating to the district
194 school tax; waiving the three-fourths limit for
195 certain lease-purchase agreements for a specified
196 period; authorizing a district school board to levy an
197 additional millage for fixed capital outlay under
198 certain circumstances; authorizing a district school
199 board to levy, by a super majority vote, an additional
200 millage for critical capital outlay needs or operating
201 needs, subject to approval of the electors at the next
202 general election; authorizing the Commissioner of
203 Education to waive the equal-dollar reduction in

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204 Florida Education Finance Program funds if he or she
205 finds that a school district acted in good faith;
206 amending s. 1012.33, F.S.; revising provisions
207 relating to contracts for instructional staff;
208 advising a district school board not to enter into a
209 new professional service contract if the only
210 available funds are from nonrecurring Federal
211 Stabilization Funds; amending s. 1012.59, F.S.;;
212 revising provisions relating to fees for educator
213 certification; amending s. 1012.71, F.S.; authorizing
214 the Department of Education to conduct a pilot program
215 to determine the feasibility of managing the Florida
216 Teachers Lead Program through a centralized electronic
217 system; providing requirements for such pilot program;
218 providing that participation in the pilot program is
219 voluntary; authorizing the department to limit the
220 number of participants to adequately test the
221 viability of the pilot program; amending s. 1013.37,
222 F.S.; requiring that the standards for new school
223 construction, remodeling, and renovation projects be
224 limited to certain minimum standards for construction
225 of educational facilities in the Florida Building Code
226 and the State Requirements for Educational Facilities;
227 providing for future expiration; amending s. 1013.62,
228 F.S.; revising the criteria for determining a charter
229 school's eligibility for capital outlay funding;
230 amending s. 1013.64, F.S.; revising certain
231 limitations on the use of nonvoted millage for school
232 district capital projects; requiring that the school

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233 districts of Wakulla County and Liberty County
234 contribute specific millage amounts to the cost of
235 current special facilities projects for specified
236 fiscal years; repealing s. 9, chapter 2008-142, Laws
237 of Florida; abrogating the expiration of certain
238 amendments relating to categorical funding for the
239 operation of schools; providing for implementation of
240 specified appropriations; providing for the
241 incorporation by reference of certain calculations
242 used by the Legislature for the 2009-2010 fiscal year;
243 providing an effective date.

244
245 Be It Enacted by the Legislature of the State of Florida:

246
247 Section 1. Part IX of chapter 159, Florida Statutes,
248 consisting of sections 159.841, 159.842, 159.843, 159.844, and
249 159.845, is created to read:

250 PART IX

251 QUALIFIED SCHOOL CONSTRUCTION BONDS

252 159.841 Short title.—This part may be cited as the "Florida
253 Qualified School Construction Bond Allocation Act."

254 159.842 Purpose.—The purpose of this part is to allocate
255 the state volume limitation imposed by s. 54F(d) of the code on
256 qualified school construction bonds to finance qualified school
257 construction facilities. Any bond issued which uses a portion of
258 the limitation imposed by s. 54F(d)(1) of the code, or uses a
259 portion of the limitation reallocated to the state pursuant to
260 s. 54F(d)(2)(D) of the code, may not be issued in this state
261 unless a written confirmation therefor is issued pursuant to

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262 this part.

263 159.843 Definitions.—As used in this part, the term:

264 (1) "Board" means the State Board of Education, created
265 pursuant to s. 2, Art. IX of the State Constitution.

266 (2) "Code" means the Internal Revenue Code of 1986, as
267 amended, and the regulations and rulings issued thereunder.

268 (3) "Commissioner" means the Commissioner of Education.

269 (4) "Department" means the Department of Education, created
270 pursuant to s. 20.15.

271 (5) "Issued" has the same meaning as in the code.

272 (6) "Qualified school construction bond" means a bond
273 described in s. 54F(a) of the code.

274 (7) "Qualified school construction facility" means a
275 facility permitted to be financed with qualified school
276 construction bonds pursuant to s. 54F(a) of the code.

277 159.844 Allocation of state volume limitation.—

278 (1) The board shall establish a program for allocating the
279 state volume limitation imposed by s. 54F(d) (1) of the code, or
280 reallocated to the state pursuant to s. 54F(d) (2) (D) of the
281 code, on qualified school construction bonds to finance
282 qualified school construction facilities. The Department of
283 Education shall administer the program for allocation of the
284 state volume limitation pursuant to an application and issuance
285 reporting process. Such program must include objective criteria
286 to be considered in determining whether to grant a request for
287 the volume limitation, including, but not limited to, the need
288 for a qualified school construction facility in the area
289 proposed in the application, the number of students to be served
290 by such facility, and the cost-effectiveness of the proposed

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291 facility.

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

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

299 (4) The commissioner shall sign any certificate required by
300 the code which relates to the allocation of the state volume
301 limitation on qualified school construction bonds to finance
302 qualified school construction facilities.

303 159.845 Rules.—The board and the department shall adopt any
304 rules necessary to ensure the orderly implementation of this
305 part.

306 Section 2. Paragraph (a) of subsection (4) of section
307 1001.20, Florida Statutes, is amended to read:

308 1001.20 Department under direction of state board.—

309 (4) The Department of Education shall establish the
310 following offices within the Office of the Commissioner of
311 Education which shall coordinate their activities with all other
312 divisions and offices:

313 (a) *Office of Technology and Information Services.*—
314 Responsible for developing a systemwide technology plan, making
315 budget recommendations to the commissioner, providing data
316 collection and management for the system, assisting school
317 districts in securing Internet access and telecommunications
318 services, including those eligible for funding under the Schools
319 and Libraries Program of the federal Universal Service Fund, and

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320 coordinating services with other state, local, and private
321 agencies. The office shall develop a method to address the need
322 for a statewide approach to planning and operations of library
323 and information services to achieve a single K-20 education
324 system library information portal and a unified higher education
325 library management system. The Florida Virtual School shall be
326 administratively housed within the office.

327 Section 3. Section 1001.271, Florida Statutes, is created
328 to read:

329 1001.271 Florida Information Resource Network.—Upon
330 requisition by school districts, community colleges,
331 universities, or other eligible users of the Florida Information
332 Resource Network, the Commissioner of Education shall purchase
333 the nondiscounted portion of Internet access services,
334 including, but not limited to, circuits, encryption, content
335 filtering, support, and any other services needed for the
336 effective and efficient operation of the network. For the 2009-
337 2010 fiscal year, each school district, the Florida School for
338 the Deaf and the Blind, and the Regional Education Consortia
339 eligible for the e-rate must submit a requisition to the
340 Commissioner of Education for at least the same level of
341 Internet access services used through the Florida Information
342 Resource Network contract in the 2008-2009 fiscal year. Each
343 user shall identify in its requisition the source of funds from
344 which the commissioner is to make payments.

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

347 1001.28 Distance learning duties.—The duties of the
348 Department of Education concerning distance learning include,

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349 but are not limited to, the duty to:

350 (2) Coordinate the use of existing resources, including,
351 but not limited to, the state's satellite transponders ~~on the~~
352 ~~education satellites, the SUNCOM Network,~~ the Florida
353 Information Resource Network (FIRN), the Florida Knowledge
354 Network, the Department of Management Services, the Department
355 ~~of Corrections, and the Department of Children and Family~~
356 ~~Services' satellite communication facilities to support a~~
357 ~~statewide advanced telecommunications services and distance~~
358 learning initiatives network.

359
360 Nothing in this section shall be construed to abrogate,
361 supersede, alter, or amend the powers and duties of any state
362 agency, district school board, community college board of
363 trustees, university board of trustees, the Board of Governors,
364 or the State Board of Education.

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

368 1001.395 District school board members; compensation.—

369 (3) Notwithstanding the provisions of this section and s.
370 145.19, for the 2009-2010 fiscal year, the salary of each
371 district school board member shall be the amount calculated
372 pursuant to subsection (1) or the district's beginning salary
373 for teachers who hold baccalaureate degrees, whichever is less.

374 Section 6. Paragraph (a) of subsection (12) and subsection
375 (25) of section 1001.42, Florida Statutes, as created by section
376 2 of chapter 2009-3, Laws of Florida, are amended to read:

377 1001.42 Powers and duties of district school board.—The

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378 district school board, acting as a board, shall exercise all
379 powers and perform all duties listed below:

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

383 (a) *Provide for all schools to operate ~~at least~~ 180 days.*—
384 Provide for the operation of all public schools, both elementary
385 and secondary, as free schools for a term of ~~at least~~ 180 days
386 or the equivalent on an hourly basis as specified by rules of
387 the State Board of Education; determine district school funds
388 necessary in addition to state funds to operate all schools for
389 such minimum term; and arrange for the levying of district
390 school taxes necessary to provide the amount needed from
391 district sources.

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

401 Section 7. Paragraph (c) of subsection (2) of section
402 1001.451, Florida Statutes, is amended to read:

403 1001.451 Regional consortium service organizations.—In
404 order to provide a full range of programs to larger numbers of
405 students, minimize duplication of services, and encourage the
406 development of new programs and services:

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407 (2)

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

414 Section 8. Subsections (6) and (7) are added to section
415 1001.47, Florida Statutes, to read:

416 1001.47 District school superintendent; salary.—

417 (6) Notwithstanding the provisions of this section and s.
418 145.19, elected district school superintendents may reduce their
419 salary rate on a voluntary basis.

420 (7) Notwithstanding the provisions of this section and s.
421 145.19, for the 2009-2010 fiscal year the salary of each elected
422 district school superintendent calculated pursuant to s. 1001.47
423 shall be reduced by 2 percent.

424 Section 9. Subsection (2) of section 1001.50, Florida
425 Statutes, as amended by section 3 of chapter 2009-3, Laws of
426 Florida, is amended, and subsections (5) and (6) are added to
427 that section, to read:

428 1001.50 Superintendents employed under Art. IX of the State
429 Constitution.—

430 (2) The district school board of each of such districts
431 shall enter into contracts of employment with the district
432 school superintendent and shall adopt rules relating to his or
433 her appointment; however, ~~on or after February 1, 2009,~~ the
434 district school board may not enter into an employment contract
435 ~~that is funded from state funds and~~ that requires the district

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436 to pay from state funds a superintendent an amount in excess of
437 1 year of the superintendent's annual salary for termination,
438 buy-out, or any other type of contract settlement. This
439 subsection does not prohibit the payment of earned leave and
440 benefits in accordance with the district's leave and benefits
441 policies which were accrued by the superintendent before the
442 contract terminates.

443 (5) Notwithstanding any other law, resolution, or rule to
444 the contrary, a district school superintendent employed under
445 this section may not receive more than \$225,000 in remuneration
446 annually from state funds. As used in this subsection, the term
447 "remuneration" means salary, bonuses, and cash-equivalent
448 compensation paid to a district school superintendent by his or
449 her employer for work performed, excluding health insurance
450 benefits and retirement benefits. Only compensation, as defined
451 in s. 121.021(22), provided to a district school superintendent
452 may be used in calculating benefits under chapter 121.

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

457 Section 10. Paragraph (g) of subsection (3) of section
458 1002.37, Florida Statutes, is amended to read:

459 1002.37 The Florida Virtual School.—

460 (3) Funding for the Florida Virtual School shall be
461 provided as follows:

462 (g) The Florida Virtual School shall receive additional
463 state funds as may be provided in the General Appropriations
464 Act; however, such funds may not be provided for the purpose of

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465 fulfilling the class size requirements in ss. 1003.03 and
466 1011.685.

467 Section 11. Section 1002.45, Florida Statutes, is amended
468 to read:

469 1002.45 School district virtual instruction programs.—

470 (1) PROGRAM.—

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

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

475 2. "Virtual instruction program" means a program of
476 instruction provided in an interactive learning environment
477 created through technology in which students are separated from
478 their teachers by time or space, or both, and in which a
479 Florida-certified teacher under chapter 1012 is responsible for
480 at least:

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

483 b. Eighty percent of the direct instruction to students in
484 grades 6 through 12.

485 (b)(a) Beginning with the 2009-2010 school year, each
486 school district shall provide eligible students within its
487 boundaries the option of participating in a virtual instruction
488 program. The purpose of the program is to make instruction
489 available to students using online and distance learning
490 technology in the nontraditional classroom. The program shall
491 be:

492 1. ~~provide virtual instruction to~~ Full-time for students
493 enrolled in ~~full-time virtual courses in~~ kindergarten through

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494 grade 12. ~~8~~

495 2. ~~or in~~ Full-time or part-time ~~for students enrolled in~~
496 dropout prevention and academic intervention programs under s.
497 1003.53 or Department of Juvenile Justice education programs
498 under s. 1003.52 ~~virtual courses~~ in grades 9 through 12 ~~as~~
499 authorized in paragraph (7) (c).

500 (c) To provide students with the option of participating in
501 virtual instruction programs as required by paragraph (b),
502 aschool district may:

503 1. Contract with the Florida Virtual School or establish a
504 franchise of the Florida Virtual School for the provision of a
505 program under paragraph (b). Using this option is subject to the
506 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
507 (IV).

508 2. Contract with an approved provider under subsection (2)
509 for the provision of a full-time program under subparagraph
510 (b)1. or a full-time or part-time program under subparagraph
511 (b)2.

512 3. Enter into an agreement with another school district to
513 allow the participation of its students in an approved virtual
514 instruction program provided by the other school district. The
515 agreement must indicate a process for the transfer of funds
516 required by paragraph (7) (b).

517
518 Contracts under subparagraph 1. or subparagraph 2. may include
519 multidistrict contractual arrangements that may be executed by a
520 regional consortium for its member districts. A multidistrict
521 contractual arrangement or an agreement under subparagraph 3. is
522 not subject to s. 1001.42(4)(d) and does not require the

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523 participating school districts to be contiguous.

524 ~~(b) Each school district's virtual instruction program may~~
525 ~~consist of one or more schools that are operated by the district~~
526 ~~or by contracted providers approved by the Department of~~
527 ~~Education under subsection (2). School districts may participate~~
528 ~~in multidistrict contractual arrangements, which may include~~
529 ~~contracts executed by a regional consortium for its member~~
530 ~~districts, to provide such programs.~~

531 (d) ~~(e)~~ A charter school may enter into a joint agreement
532 with the school district in which it is located for the charter
533 school's students to participate in the ~~an approved district~~
534 school district's virtual instruction program.

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

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

541 1. ~~(a)~~ Is nonsectarian in its programs, admission policies,
542 employment practices, and operations;

543 2. ~~(b)~~ Complies with the antidiscrimination provisions of s.
544 1000.05;

545 3. ~~(e)~~ Locates an administrative office or offices in this
546 state, requires its administrative staff to be state residents,
547 ~~and~~ requires all instructional staff ~~members~~ to be Florida-
548 certified teachers under chapter 1012, and conducts background
549 screenings for all employees or contracted personnel, as
550 required by s. 1012.32, using state and national criminal
551 history records;

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552 ~~4.(d)~~ Possesses prior, successful experience offering
553 online courses to elementary, middle, or high school students;
554 and

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

558 5.(f) Is accredited by the Southern Association of Colleges
559 and Schools Council on Accreditation and School Improvement, the
560 North Central Association Commission on Accreditation and School
561 Improvement, the Middle States Association of Colleges and
562 Schools Commission on Elementary Schools and Commission on
563 Secondary Schools, the New England Association of Schools and
564 Colleges, the Northwest Association of Accredited Schools, the
565 Western Association of Schools and Colleges, or the Commission
566 on International and Trans-Regional Accreditation. Commission on
567 ~~Colleges of the Southern Association of Colleges and Schools,~~
568 ~~the Middle States Association of Colleges and Schools, the North~~
569 ~~Central Association of Colleges and Schools, or the New England~~
570 ~~Association of Colleges and Schools; and~~

571 (b) An approved provider shall retain its approved status
572 for a period of 3 years after the date of the department's
573 approval under paragraph (a) as long as the provider continues
574 to comply with all requirements of this section.

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

576
577 ~~Notwithstanding this subsection, approved providers of virtual~~
578 ~~instruction shall include the Florida Virtual School established~~
579 ~~under s. 1002.37 and providers that operate under s. 1002.415.~~

580 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM

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581 REQUIREMENTS.—Each school district virtual instruction program
582 under this section ~~operated or contracted by a school district~~
583 must:

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

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

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

591 ~~(b)~~(d) Offer instruction that is designed to enable a
592 student to gain proficiency in each virtually delivered course
593 of study.

594 ~~(c)~~(e) Provide each student enrolled in the program with
595 all the necessary instructional materials.

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

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

601 2. Access to or reimbursement for all Internet services
602 necessary for online delivery of instruction.

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

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

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

609 (b) Provide a method for determining that a student has

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610 satisfied the requirements for graduation in s. 1003.428, s.
611 1003.429, or s. 1003.43 if the contract is for the provision of
612 a full-time virtual instruction program to students in grades 9
613 through 12.

614 (c) Specify a method for resolving conflicts among the
615 parties.

616 (d) Specify authorized reasons for termination of the
617 contract.

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

621 (f) Require the approved provider to comply with all
622 requirements of this section. Beginning with the 2010-2011
623 school year, except for courses offered by the Florida Virtual
624 School under s. 1002.37, a school district may not increase the
625 enrollment for its full-time virtual instruction program in
626 excess of its prior school year enrollment unless the program
627 for the previous school year is designated with a grade of "C,"
628 making satisfactory progress, or better under the school grading
629 system provided in s. 1008.34.

630 (5) STUDENT ELIGIBILITY.—A student may enroll in a
631 Enrollment in a school district virtual instruction program
632 provided by the school district in which he or she resides is
633 open to any student residing within the district's attendance
634 area if the student meets at least one of the following
635 conditions:

636 (a) The student has spent the prior school year in
637 attendance at a public school in this state and was enrolled and
638 reported by a public school district for funding during the

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639 preceding October and February for purposes of the Florida
640 Education Finance Program surveys.

641 (b) The student is a dependent child of a member of the
642 United States Armed Forces who was transferred within the last
643 12 months to this state from another state or from a foreign
644 country pursuant to the parent's permanent change of station
645 orders.

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

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

651 (a) Comply with the compulsory attendance requirements of
652 s. 1003.21. Student attendance must be verified by the school
653 district.

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

657 (7) FUNDING.—

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

661 (b) The school district in which the student resides shall
662 report full-time equivalent students for the school district
663 virtual instruction program ~~and for a charter school's students~~
664 ~~who participate under paragraph (1)(c)~~ to the department ~~only~~ in
665 a manner prescribed by the department, and funding shall be
666 provided through the Florida Education Finance Program. Funds
667 received by the school district of residence for a student in a

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668 virtual instruction program provided by another school district
669 under this section shall be transferred to the school district
670 providing the virtual instruction program.

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

676 (8) ASSESSMENT AND ACCOUNTABILITY.—

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

681 1. Participate in the statewide assessment program under s.
682 1008.22 and in the state's education performance accountability
683 system under s. 1008.31.

684 2. Receive a school grade under ~~as provided in~~ s. 1008.34
685 or a school improvement rating under s. 1008.341, as applicable.
686 The school grade or school improvement rating received by each
687 approved provider shall be based upon the aggregated assessment
688 scores of all students served by the provider statewide ~~A school~~
689 ~~district virtual instruction program shall be considered a~~
690 ~~school under s. 1008.34 for purposes of this section, regardless~~
691 ~~of the number of individual providers participating in the~~
692 ~~district's program.~~ The department shall publish the school
693 grade or school improvement rating received by each approved
694 provider on its Internet website.

695 (b) The performance of part-time students in grades 9
696 through 12 ~~under paragraph (7)(c)~~ shall not be included for

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697 purposes of school grades or school improvement ratings ~~grading~~
698 under subparagraph (a)2.; however, their performance shall be
699 included for school grading or school improvement rating
700 purposes by the nonvirtual school providing the student's
701 primary instruction.

702 (c) An approved provider ~~A program~~ that receives is
703 ~~designated with a school grade of "D_T" making less than~~
704 ~~satisfactory progress,~~ or "F_T" under s. 1008.34 or a school
705 improvement rating of "Declining" under s. 1008.341 ~~failing to~~
706 ~~make adequate progress,~~ must file a school improvement plan with
707 the department for consultation to determine the causes for low
708 performance and to develop a plan for correction and
709 improvement.

710 (d) An approved provider's contract must be terminated ~~The~~
711 ~~school district shall terminate its program, including all~~
712 ~~contracts with providers for such program,~~ if the provider
713 ~~program~~ receives a school grade of "D_T" making less than
714 ~~satisfactory progress,~~ or "F_T" under s. 1008.34 or a school
715 improvement rating of "Declining" under s. 1008.341 ~~failing to~~
716 ~~make adequate progress,~~ for 2 years during any consecutive 4-
717 year period. A provider that has a contract terminated under
718 this paragraph may not be an approved provider for a period of
719 at least 1 year after the date upon which the contract was
720 terminated and until the department determines that the provider
721 is in compliance with subsection (2) and has corrected each
722 cause of the provider's low performance. ~~If a contract is not~~
723 ~~renewed or is terminated, the contracted provider is responsible~~
724 ~~for all debts of the program or school operated by the provider.~~

725 (e) ~~A school district that terminates its program under~~

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726 ~~paragraph (d) shall contract with a provider selected and~~
727 ~~approved by the department for the provision of virtual~~
728 ~~instruction until the school district receives approval from the~~
729 ~~department to operate a new school district virtual instruction~~
730 ~~program.~~

731 (9) EXCEPTIONS.—A provider of digital or online content or
732 curriculum that is used to supplement the instruction of
733 students who are not enrolled in a school district virtual
734 instruction program under this section is not required to meet
735 the requirements of this section.

736 (10) MARKETING.—Each school district shall provide Any
737 information provided by a school district to parents and
738 students regarding the school district's virtual instruction
739 program must include information about opportunities available
740 at, and the parent's and student's right to participate access
741 in a school district virtual instruction program under this
742 section and in courses offered by, the Florida Virtual School
743 under s. 1002.37.

744 ~~(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION~~
745 ~~PROGRAM. For the 2008-2009 school year, each school district in~~
746 ~~the state may offer a school district virtual instruction~~
747 ~~program to provide full-time virtual courses in kindergarten~~
748 ~~through grade 8 or to provide full-time or part-time virtual~~
749 ~~courses in grades 9 through 12 as authorized in paragraph~~
750 ~~(7)(c). Such program may be operated or contracted as provided~~
751 ~~under paragraph (1)(b) and must comply with all requirements of~~
752 ~~this section, except that contracts under this subsection may~~
753 ~~only be issued for virtual courses in kindergarten through grade~~
754 ~~8 to providers operating under s. 1002.415 or for virtual~~

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755 ~~courses in grades 9 through 12 as authorized under paragraph~~
756 ~~(7)(c) to providers who contracted with a regional consortium in~~
757 ~~the 2007-2008 school year to provide such services.~~

758 (11)~~(12)~~ RULES.—The State Board of Education shall adopt
759 rules necessary to administer this section, including rules that
760 prescribe school district ~~and charter school~~ reporting
761 requirements under subsection (7).

762 (12) STUDY.—The department shall review the advisability of
763 legislatively authorizing school districts to contract with
764 approved private providers for the provision of part-time
765 virtual instruction programs for students in grades 9 through 12
766 who are not enrolled in programs under ss. 1003.52 and 1003.53.
767 The department shall report its findings and recommendations to
768 the presiding officers of the Legislature and the Governor by
769 January 15, 2010.

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

774 1002.71 Funding; financial and attendance reporting.—

775 (3)

776 (d) For programs offered by school districts pursuant to s.
777 1002.61 and beginning with the 2009 summer program, each
778 district's funding shall be based on a ~~full-time equivalent~~
779 student enrollment that is evenly divisible by 12. If the result
780 of dividing a district's ~~full-time equivalent~~ student enrollment
781 by 12 is not a whole number, the district's enrollment
782 calculation shall be adjusted by adding the minimum number of
783 ~~full-time equivalent~~ students to produce a ~~full-time equivalent~~

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784 student enrollment calculation that is evenly divisible by 12.

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

786 (a) A child who, for any of the prekindergarten programs
787 listed in s. 1002.53(3), has not completed more than 70 ~~10~~
788 percent of the hours authorized to be reported for funding under
789 subsection (2) may withdraw from the program for good cause and
790 reenroll in one of the programs, ~~and be reported for funding~~
791 ~~purposes as a full-time equivalent student in the program for~~
792 ~~which the child is reenrolled.~~ The total funding for a child who
793 reenrolls in one of the programs for good cause may ~~shall~~ not
794 exceed one full-time equivalent student. Funding for a child who
795 withdraws and reenrolls in one of the programs for good cause
796 shall be issued in accordance with the agency's uniform
797 attendance policy adopted pursuant to paragraph (6) (d).

798
799 A child may reenroll only once in a prekindergarten program
800 under this section. A child who reenrolls in a prekindergarten
801 program under this subsection may not subsequently withdraw from
802 the program and reenroll. The Agency for Workforce Innovation
803 shall establish criteria specifying whether a good cause exists
804 for a child to withdraw from a program under paragraph (a),
805 whether a child has substantially completed a program under
806 paragraph (b), and whether an extreme hardship exists which is
807 beyond the child's or parent's control under paragraph (b).

808 (6)

809 (d) The Agency for Workforce Innovation shall adopt, for
810 funding purposes, a uniform attendance policy for the Voluntary
811 Prekindergarten Education Program. The attendance policy must
812 apply statewide and apply equally to all private prekindergarten

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813 providers and public schools. The attendance policy must
814 ~~establish a minimum requirement for student attendance and~~
815 include at least the following provisions:

816 1. Beginning with the 2009-2010 fiscal year for school-year
817 programs, a student's attendance may be reported on a pro rata
818 basis as a fractional part of a full-time equivalent student and
819 ~~the 2009 summer program, a student who meets the minimum~~
820 ~~requirement of 80 percent of the total number of hours for the~~
821 ~~program may be reported as a full-time equivalent student for~~
822 ~~funding purposes.~~

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

829 3. A private prekindergarten provider or public school may
830 not receive payment for absences that occur before a student's
831 first day of attendance or after a student's last day of
832 attendance. A student who does not meet the minimum requirement
833 ~~may be reported as a full-time equivalent student if the student~~
834 ~~is absent for good cause in accordance with exceptions specified~~
835 ~~in the uniform attendance policy.~~

836
837 The uniform attendance policy shall be used only for funding
838 purposes and does not prohibit a private prekindergarten
839 provider or public school from adopting and enforcing its
840 attendance policy under paragraphs (a) and (c).

841 Section 13. Paragraph (g) of subsection (1) of section

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842 1003.02, Florida Statutes, is amended to read:

843 1003.02 District school board operation and control of
844 public K-12 education within the school district.—As provided in
845 part II of chapter 1001, district school boards are
846 constitutionally and statutorily charged with the operation and
847 control of public K-12 education within their school district.
848 The district school boards must establish, organize, and operate
849 their public K-12 schools and educational programs, employees,
850 and facilities. Their responsibilities include staff
851 development, public K-12 school student education including
852 education for exceptional students and students in juvenile
853 justice programs, special programs, adult education programs,
854 and career education programs. Additionally, district school
855 boards must:

856 (1) Provide for the proper accounting for all students of
857 school age, for the attendance and control of students at
858 school, and for proper attention to health, safety, and other
859 matters relating to the welfare of students in the following
860 fields:

861 (g) *School operation.*—

862 1. Provide for the operation of all public schools as free
863 schools for a term of ~~at least~~ 180 days or the equivalent on an
864 hourly basis as specified by rules of the State Board of
865 Education; determine district school funds necessary in addition
866 to state funds to operate all schools for the minimum term; and
867 arrange for the levying of district school taxes necessary to
868 provide the amount needed from district sources.

869 2. Prepare, adopt, and timely submit to the Department of
870 Education, as required by law and by rules of the State Board of

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871 Education, the annual school budget, so as to promote the
872 improvement of the district school system.

873 Section 14. Paragraph (b) of subsection (2) and subsection
874 (4) of section 1003.03, Florida Statutes, as amended by section
875 9 of chapter 2009-3, Laws of Florida, are amended to read:
876 1003.03 Maximum class size.—

877 (2) IMPLEMENTATION.—

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

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

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

886 3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the
887 calculation for compliance shall be at the individual classroom
888 level.

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

892 (4) ACCOUNTABILITY.—

893 (a)1. Beginning in the 2003-2004 fiscal year, if the
894 department determines for any year that a school district has
895 not reduced average class size as required in subsection (2) at
896 the time of the third FEFP calculation, the department shall
897 calculate an amount from the class size reduction operating
898 categorical which is proportionate to the amount of class size
899 reduction not accomplished. Upon verification of the

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900 department's calculation by the Florida Education Finance
901 Program Appropriation Allocation Conference and not later than
902 March 1 of each year, the Executive Office of the Governor shall
903 transfer undistributed funds equivalent to the calculated amount
904 from the district's class size reduction operating categorical
905 to an approved fixed capital outlay appropriation for class size
906 reduction in the affected district pursuant to s. 216.292(2)(d).
907 The amount of funds transferred shall be the lesser of the
908 amount verified by the Florida Education Finance Program
909 Appropriation Allocation Conference or the undistributed balance
910 of the district's class size reduction operating categorical.

911 2. In lieu of the transfer required by subparagraph 1., the
912 Commissioner of Education may recommend a budget amendment,
913 subject to approval by the Legislative Budget Commission, to
914 transfer an alternative amount of funds from the district's
915 class size reduction operating categorical to its approved fixed
916 capital outlay account for class size reduction if the
917 commissioner finds that the State Board of Education has
918 reviewed evidence indicating that a district has been unable to
919 meet class size reduction requirements despite appropriate
920 effort to do so. The commissioner's budget amendment must be
921 submitted to the Legislative Budget Commission by February 15 of
922 each year.

923 3. For the 2007-2008 fiscal year and thereafter, if in any
924 fiscal year funds from a district's class size operating
925 categorical are required to be transferred to its fixed capital
926 outlay fund and the district's class size operating categorical
927 allocation in the General Appropriations Act for that fiscal
928 year has been reduced by a subsequent appropriation, the

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929 Commissioner of Education may recommend a 50-percent reduction
930 in the amount of the transfer.

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

936 1. Identify, for each grade group, the number of classes in
937 which the enrollment exceeds the maximum, the number of students
938 which exceed the maximum for each class, and the total number of
939 students which exceed the maximum for all classes.

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

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

946 4. Reduce the district's class-size-reduction
947 operatingcategorical allocation by an amount equal to the sum of
948 the calculation in subparagraph 3.

949 (c) Upon verification of the department's calculation by
950 the Florida Education Finance Program Appropriation Allocation
951 Conference and no later than March 1 of each year, the Executive
952 Office of the Governor shall place these funds in reserve and
953 the undistributed funds shall revert to the General Revenue Fund
954 unallocated at the end of the fiscal year. The amount of funds
955 reduced shall be the lesser of the amount verified by the
956 Florida Education Finance Program Appropriation Allocation
957 Conference or the undistributed balance of the district's class-

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958 size-reduction operating categorical allocation.

959 (d) In lieu of the reduction calculation in paragraph (b),
960 the Commissioner of Education may recommend a budget amendment,
961 subject to approval of the Legislative Budget Commission, to
962 reduce an alternative amount of funds from the district's class-
963 size-reduction operating categorical allocation. The
964 commissioner's budget amendment must be submitted to the
965 Legislative Budget Commission by February 15 of each year.

966 (e) In addition to the calculation required in paragraph
967 (a), at the time of the third FEFP calculation for the 2009-2010
968 fiscal year, the department shall also prepare a simulated
969 calculation based on the requirements in paragraphs (b) and (c).
970 This simulated calculation shall be provided to the school
971 districts and the Legislature.

972 ~~(b) Beginning in the 2005-2006 school year, the department~~
973 ~~shall determine by January 15 of each year which districts have~~
974 ~~not met the two student per year reduction required in~~
975 ~~subsection (2) based upon a comparison of the district's October~~
976 ~~student membership survey for the current school year and the~~
977 ~~February 2003 baseline student membership survey. The department~~
978 ~~shall report such districts to the Legislature. Each district~~
979 ~~that has not met the two student per year reduction shall be~~
980 ~~required to implement one of the following policies in the~~
981 ~~subsequent school year unless the department finds that the~~
982 ~~district comes into compliance based upon the February student~~
983 ~~membership survey:~~

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

985 ~~2. Double sessions;~~

986 ~~3. Rezoning; or~~

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987 ~~4. Maximizing use of instructional staff by~~
988 ~~changing required teacher loads and scheduling of planning~~
989 ~~periods, deploying school district employees who have~~
990 ~~professional certification to the classroom, using adjunct~~
991 ~~educators, operating schools beyond the normal operating hours~~
992 ~~to provide classes in the evening, or operating more than one~~
993 ~~session during the day.~~

994
995 ~~A school district that is required to implement one of the~~
996 ~~policies outlined in subparagraphs 1.-4. shall correct in the~~
997 ~~year of implementation any past deficiencies and bring the~~
998 ~~district into compliance with the two-student-per-year reduction~~
999 ~~goals established for the district by the department pursuant to~~
1000 ~~subsection (2). A school district may choose to implement more~~
1001 ~~than one of these policies. The district school superintendent~~
1002 ~~shall report to the Commissioner of Education the extent to~~
1003 ~~which the district implemented any of the policies outlined in~~
1004 ~~subparagraphs 1.-4. in a format to be specified by the~~
1005 ~~Commissioner of Education. The Department of Education shall use~~
1006 ~~the enforcement authority provided in s. 1008.32 to ensure that~~
1007 ~~districts comply with the provisions of this paragraph.~~

1008 ~~(c) Beginning in the 2006-2007 school year, the department~~
1009 ~~shall annually determine which districts do not meet the~~
1010 ~~requirements described in subsection (2). In addition to~~
1011 ~~enforcement authority provided in s. 1008.32, the Department of~~
1012 ~~Education shall develop a constitutional compliance plan for~~
1013 ~~each such district which includes, but is not limited to,~~
1014 ~~redrawing school attendance zones to maximize use of facilities~~
1015 ~~while minimizing the additional use of transportation unless the~~

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1016 ~~department finds that the district comes into compliance based~~
1017 ~~upon the February student membership survey and the other~~
1018 ~~accountability policies listed in paragraph (b). Each district~~
1019 ~~school board shall implement the constitutional compliance plan~~
1020 ~~developed by the state board until the district complies with~~
1021 ~~the constitutional class size maximums.~~

1022 Section 15. Paragraph (a) of subsection (1) of section
1023 1004.55, Florida Statutes, is amended to read:

1024 1004.55 Regional autism centers.—

1025 (1) Seven regional autism centers are established to
1026 provide nonresidential resource and training services for
1027 persons of all ages and of all levels of intellectual
1028 functioning who have autism, as defined in s. 393.063; who have
1029 a pervasive developmental disorder that is not otherwise
1030 specified; who have an autistic-like disability; who have a dual
1031 sensory impairment; or who have a sensory impairment with other
1032 handicapping conditions. Each center shall be operationally and
1033 fiscally independent and shall provide services within its
1034 geographical region of the state. Service delivery shall be
1035 consistent for all centers. Each center shall coordinate
1036 services within and between state and local agencies and school
1037 districts but may not duplicate services provided by those
1038 agencies or school districts. The respective locations and
1039 service areas of the centers are:

1040 (a) The College of Medicine ~~Department of Communication~~
1041 ~~Disorders~~ at Florida State University, which serves Bay,
1042 Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson,
1043 Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor,
1044 Wakulla, Walton, and Washington Counties.

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1045 Section 16. Paragraphs (a) and (b) of subsection (5) of
1046 section 1006.06, Florida Statutes, are amended to read:

1047 1006.06 School food service programs.—

1048 (5) (a) Each district school board shall implement school
1049 breakfast programs that make breakfast meals available to all
1050 students in each elementary school. By the beginning of the
1051 2010-2011 school year, universal ~~the~~ school breakfast programs
1052 shall be offered in schools in which 80 percent or more of the
1053 students are eligible for free or reduced-price meals ~~make~~
1054 ~~breakfast meals available to all students in each elementary,~~
1055 ~~middle, and high school.~~ Each school shall, to the maximum
1056 extent practicable, make breakfast meals available to students
1057 at an alternative site location, which may include, but need not
1058 be limited to, alternative breakfast options as described in
1059 publications of the Food and Nutrition Service of the United
1060 States Department of Agriculture for the federal School
1061 Breakfast Program.

1062 (b) Beginning with the 2009-2010 school year, each school
1063 district must annually set prices for breakfast meals at rates
1064 that, combined with federal reimbursements and state
1065 allocations, are sufficient to defray costs of school breakfast
1066 programs without requiring allocations from the district's
1067 operating funds, except if the district school board approves
1068 lower rates.

1069 Section 17. Subsection (5) is added to section 1006.21,
1070 Florida Statutes, to read:

1071 1006.21 Duties of district school superintendent and
1072 district school board regarding transportation.—

1073 (5) Contiguous school districts shall make provisions for

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1074 reciprocal policies and agreements for contracts for school bus
1075 transportation services, inspections, and screening requirements
1076 for public schools and public charter schools.

1077 Section 18. Subsection (1) of section 1006.28, Florida
1078 Statutes, is amended to read:

1079 1006.28 Duties of district school board, district school
1080 superintendent; and school principal regarding K-12
1081 instructional materials.—

1082 (1) DISTRICT SCHOOL BOARD.—The district school board has
1083 the duty to provide adequate instructional materials for all
1084 students in accordance with the requirements of this part. The
1085 term “adequate instructional materials” means a sufficient
1086 number of textbooks or sets of materials that are available in
1087 bound, unbound, kit, or package form and may consist of hard-
1088 backed or soft-backed textbooks, consumables, learning
1089 laboratories, manipulatives, electronic media, and computer
1090 courseware or software that serve ~~serve~~ as the basis for
1091 instruction for each student in the core courses of mathematics,
1092 language arts, social studies, science, reading, and literature,
1093 except for instruction for which the school advisory council
1094 approves the use of a program that does not include a textbook
1095 as a major tool of instruction. The district school board has
1096 the following specific duties:

1097 (a) *Courses of study; adoption.*—Adopt courses of study for
1098 use in the schools of the district.

1099 (b) *Textbooks.*—Provide for proper requisitioning,
1100 distribution, accounting, storage, care, and use of all
1101 instructional materials furnished by the state and furnish such
1102 other instructional materials as may be needed. The district

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1103 school board shall assure that instructional materials used in
1104 the district are consistent with the district goals and
1105 objectives and the curriculum frameworks adopted by rule of the
1106 State Board of Education, as well as with the state and district
1107 performance standards provided for in s. 1001.03(1).

1108 (c) *Other instructional materials.*—Provide such other
1109 teaching accessories and aids as are needed for the school
1110 district's educational program.

1111 (d) *School library media services; establishment and*
1112 *maintenance.*—Establish and maintain a program of school library
1113 media services for all public schools in the district, including
1114 school library media centers, or school library media centers
1115 open to the public, and, in addition such traveling or
1116 circulating libraries as may be needed for the proper operation
1117 of the district school system.

1118 Section 19. Paragraph (a) of subsection (2) of section
1119 1006.40, Florida Statutes, as amended by section 10 of chapter
1120 2009-3, Laws of Florida, is amended to read:

1121 1006.40 Use of instructional materials allocation;
1122 instructional materials, library books, and reference books;
1123 repair of books.—

1124 (2) (a) Each district school board must purchase current
1125 instructional materials to provide each student with a textbook
1126 or other instructional materials as a major tool of instruction
1127 in core courses of the appropriate subject areas of mathematics,
1128 language arts, science, social studies, reading, and literature
1129 for kindergarten through grade 12. Such purchase must be made
1130 within the first 2 years after the effective date of the
1131 adoption cycle; however, this requirement is waived for the

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1132 adoption cycle occurring in the 2008-2009 academic year for
1133 schools within the district which are identified in the top four
1134 categories of schools pursuant to s. 1008.33, as amended by
1135 CS/CS/HB 991, Engrossed 1. The Commissioner of Education may
1136 provide a waiver of this requirement for the adoption cycle
1137 occurring in the 2008-2009 academic year if the district
1138 demonstrates that it has intervention and support strategies to
1139 address the particular needs of schools in the lowest two
1140 categories. Unless specifically provided for in the General
1141 Appropriations Act, the cost of instructional materials
1142 purchases required by this paragraph shall not exceed the amount
1143 of the district's allocation for instructional materials,
1144 pursuant to s. 1011.67, for the previous 2 years.

1145 Section 20. Subsection (12) is added to section 1007.25,
1146 Florida Statutes, to read:

1147 1007.25 General education courses; common prerequisites;
1148 and other degree requirements.—

1149 (12) (a) A public postsecondary educational institution may
1150 not confer an associate in arts or baccalaureate degree upon any
1151 student who fails to successfully complete one of the following
1152 requirements:

1153 1. Achieve a score that meets or exceeds a minimum score on
1154 a nationally standardized examination, as established by the
1155 State Board of Education in conjunction with the Board of
1156 Governors; or

1157 2. Demonstrate successful remediation of any academic
1158 deficiencies and achieve a cumulative grade point average of 2.5
1159 or above, on a 4.0 scale, in postsecondary-level coursework
1160 identified by the State Board of Education in conjunction with

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1161 the Board of Governors. The Department of Education shall
1162 specify the means by which a student may demonstrate successful
1163 remediation.

1164 (b) Any student who, in the best professional opinion of
1165 the postsecondary educational institution, has a specific
1166 learning disability such that the student cannot demonstrate
1167 successful mastery of one or more of the authorized examinations
1168 but is achieving at the college level in every area despite his
1169 or her disability, and whose diagnosis indicates that further
1170 remediation will not succeed in overcoming the disability, may
1171 appeal through the appropriate dean to a committee appointed by
1172 the president or the chief academic officer for special
1173 consideration. The committee shall examine the evidence of the
1174 student's academic and medical records and may hear testimony
1175 relevant to the case. The committee may grant a waiver for one
1176 or more of the authorized examinations based on the results of
1177 its review.

1178 (c) Each public postsecondary educational institution
1179 president shall establish a committee to consider requests for
1180 waivers from the requirements in paragraph (a). The committee
1181 shall be chaired by the chief academic officer of the
1182 institution and shall have four additional members appointed by
1183 the president as follows:

- 1184 1. One faculty member from the mathematics department;
- 1185 2. One faculty member from the English department;
- 1186 3. The institutional test administrator; and
- 1187 4. One faculty member from a department other than English
1188 or mathematics.

1189 (d) Any student who has taken the authorized examinations

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1190 and has not achieved a passing score, but has otherwise
1191 demonstrated proficiency in coursework in the same subject area,
1192 may request a waiver from the examination requirement. Waivers
1193 shall be considered only after students have been provided test
1194 accommodations or other administrative adjustments to permit the
1195 accurate measurement of the student's proficiency in the subject
1196 areas measured by the authorized examinations. The committee
1197 shall consider the student's educational records and other
1198 evidence as to whether the student should be able to pass the
1199 authorized examinations. A waiver may be recommended to the
1200 president upon a majority vote of the committee. The president
1201 may approve or disapprove the recommendation. The president may
1202 not approve a request that the committee has disapproved. If a
1203 waiver is approved, the student's transcript shall include a
1204 statement that the student did not meet the requirements of this
1205 subsection and that a waiver was granted.

1206 Section 21. Section 1008.29, Florida Statutes, is repealed.

1207 Section 22. Paragraph (c) of subsection (1) of section
1208 1008.41, Florida Statutes, is amended to read:

1209 1008.41 Workforce education; management information
1210 system.—

1211 (1) The Commissioner of Education shall coordinate uniform
1212 program structures, common definitions, and uniform management
1213 information systems for workforce education for all divisions
1214 within the department. In performing these functions, the
1215 commissioner shall designate deadlines after which data elements
1216 may not be changed for the coming fiscal or school year. School
1217 districts and community colleges shall be notified of data
1218 element changes at least 90 days prior to the start of the

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1219 subsequent fiscal or school year. Such systems must provide for:

1220 (c) Maximum use of automated technology and records in
1221 existing databases and data systems. To the extent feasible, the
1222 Florida Information Resource Network may ~~shall~~ be employed for
1223 this purpose.

1224 Section 23. Section 1010.06, Florida Statutes, is created
1225 to read:

1226 1010.06 Indirect cost limitation.—State funds appropriated
1227 by the Legislature to the Division of Public Schools within the
1228 Department of Education may not be used to pay indirect costs to
1229 a university, community college, school district, or any other
1230 entity.

1231 Section 24. Section 1010.11, Florida Statutes, is amended
1232 to read:

1233 1010.11 Electronic transfer of funds.—Pursuant to the
1234 provisions of s. 215.85, each district school board, community
1235 college board of trustees, and university board of trustees
1236 shall adopt written policies prescribing the accounting and
1237 control procedures under which any funds under their control are
1238 allowed to be moved by electronic transaction for any purpose
1239 including direct deposit, wire transfer, withdrawal, ~~or~~
1240 investment, or payment. Electronic transactions shall comply
1241 with the provisions of chapter 668.

1242 Section 25. Subsection (4) is added to section 1011.09,
1243 Florida Statutes, to read:

1244 1011.09 Expenditure of funds by district school board.—All
1245 state funds apportioned to the credit of any district constitute
1246 a part of the district school fund of that district and must be
1247 budgeted and expended under authority of the district school

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1248 board subject to the provisions of law and rules of the State
1249 Board of Education.

1250 (4) During the 2009-2010 fiscal year, unless otherwise
1251 specifically approved by the district school board, public funds
1252 may not be expended for out-of-state travel or cellular phones,
1253 cellular phone service, personal digital assistants, or any
1254 other mobile wireless communication device or service, including
1255 text messaging, whether through purchasing, leasing,
1256 contracting, or any other method. The expenditure of public
1257 funds for art programs, music programs, sports programs, and
1258 extracurricular programs for students is a higher priority than
1259 expending funds for employee travel and cellular phones.

1260 Section 26. Subsection (4) of section 1011.18, Florida
1261 Statutes, is amended to read:

1262 1011.18 School depositories; payments into and withdrawals
1263 from depositories.—

1264 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.—All money drawn from
1265 any district school depository holding same as prescribed herein
1266 shall be upon a check or warrant drawn on authority of the
1267 district school board as prescribed by law. Each check or
1268 warrant shall be signed by the chair or, in his or her absence,
1269 the vice chair of the district school board and countersigned by
1270 the district school superintendent, with corporate seal of the
1271 school board affixed. However, as a matter of convenience, the
1272 corporate seal of the district school board may be printed upon
1273 the warrant and a proper record of such warrant shall be
1274 maintained. The district school board may by resolution, a copy
1275 of which must be delivered to the depository, provide for
1276 internal funds to be withdrawn from any district depository by a

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1277 check duly signed by at least two bonded school employees
1278 designated by the board to be responsible for administering such
1279 funds. However, the district school superintendent or his or her
1280 designee, after having been by resolution specifically
1281 authorized by the district school board, may transfer funds from
1282 one depository to another, within a depository, to another
1283 institution, or from another institution to a depository for
1284 investment purposes and may transfer funds to pay expenses,
1285 expenditures, or other disbursements that must be evidenced by
1286 an invoice or other appropriate documentation in a similar
1287 manner ~~when the transfer does not represent an expenditure,~~
1288 ~~advance, or reduction of cash assets.~~ Such transfer may be made
1289 by electronic, telephonic, or other medium; and each transfer
1290 shall be confirmed in writing and signed by the district school
1291 superintendent or his or her designee.

1292 Section 27. Subsection (2) and paragraphs (d) and (f) of
1293 subsection (3) of section 1011.60, Florida Statutes, are amended
1294 to read:

1295 1011.60 Minimum requirements of the Florida Education
1296 Finance Program.—Each district which participates in the state
1297 appropriations for the Florida Education Finance Program shall
1298 provide evidence of its effort to maintain an adequate school
1299 program throughout the district and shall meet at least the
1300 following requirements:

1301 (2) MINIMUM TERM.—Operate all schools for a term of ~~at~~
1302 ~~least~~ 180 actual teaching days or the equivalent on an hourly
1303 basis as specified by rules of the State Board of Education each
1304 school year. The State Board of Education may prescribe
1305 procedures for altering, and, upon written application, may

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1306 alter, this requirement during a national, state, or local
1307 emergency as it may apply to an individual school or schools in
1308 any district or districts if, in the opinion of the board, it is
1309 not feasible to make up lost days or hours, and the
1310 apportionment may, at the discretion of the Commissioner of
1311 Education and if the board determines that the reduction of
1312 school days or hours is caused by the existence of a bona fide
1313 emergency, be reduced for such district or districts in
1314 proportion to the decrease in the length of term in any such
1315 school or schools. A strike, as defined in s. 447.203(6), by
1316 employees of the school district may not be considered an
1317 emergency.

1318 (3) EMPLOYMENT POLICIES.—Adopt rules relating to the
1319 appointment, promotion, transfer, suspension, and dismissal of
1320 personnel.

1321 (d) District school boards may authorize a maximum of six
1322 paid legal holidays which shall apply to the total annual number
1323 of required ~~196~~ days of service adopted by the board.

1324 (f) Such rules must not require more than 10 ~~12~~ calendar
1325 months of service for ~~such~~ principals, other school site
1326 administrators, and instructional staff, as prescribed by rules
1327 of the State Board of Education ~~and must require 10 months to~~
1328 ~~include not less than 196 days of service~~, excluding Sundays and
1329 other holidays. Principals, other school site administrators,
1330 and instructional staff may serve more than 10 calendar months
1331 of service if specifically approved by the district school
1332 board. Contracts for 12 months of service may, for all members
1333 ~~of the instructional staff, with any such service on a 12-month~~
1334 ~~basis to~~ include reasonable allowance for vacation or further

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1335 study as prescribed by the school board in accordance with rules
1336 of the State Board of Education.

1337 Section 28. Paragraph (c) of subsection (1) of section
1338 1011.61, Florida Statutes, is amended to read:

1339 1011.61 Definitions.—Notwithstanding the provisions of s.
1340 1000.21, the following terms are defined as follows for the
1341 purposes of the Florida Education Finance Program:

1342 (1) A “full-time equivalent student” in each program of the
1343 district is defined in terms of full-time students and part-time
1344 students as follows:

1345 (c)1. A “full-time equivalent student” is:

1346 a. A full-time student in any one of the programs listed in
1347 s. 1011.62(1)(c); or

1348 b. A combination of full-time or part-time students in any
1349 one of the programs listed in s. 1011.62(1)(c) which is the
1350 equivalent of one full-time student based on the following
1351 calculations:

1352 (I) A full-time student, except a postsecondary or adult
1353 student or a senior high school student enrolled in adult
1354 education when such courses are required for high school
1355 graduation, in a combination of programs listed in s.
1356 1011.62(1)(c) shall be a fraction of a full-time equivalent
1357 membership in each special program equal to the number of net
1358 hours per school year for which he or she is a member, divided
1359 by the appropriate number of hours set forth in subparagraph
1360 (a)1. or subparagraph (a)2. The difference between that fraction
1361 or sum of fractions and the maximum value as set forth in
1362 subsection (4) for each full-time student is presumed to be the
1363 balance of the student’s time not spent in such special

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1364 education programs and shall be recorded as time in the
1365 appropriate basic program.

1366 (II) A prekindergarten handicapped student shall meet the
1367 requirements specified for kindergarten students.

1368 (III) A full-time equivalent student for students in
1369 kindergarten through grade 5 ~~grades K-8~~ in a school district
1370 virtual instruction program under ~~as provided in~~ s. 1002.45
1371 shall consist of a student who has successfully completed a
1372 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
1373 promoted to a higher grade level.

1374 (IV) A full-time equivalent student for students in grades
1375 6 through 12 ~~9-12~~ in a school district virtual instruction
1376 program under s. 1002.45(1)(b)1. and 2. ~~as provided in s.~~
1377 ~~1002.45~~ shall consist of six full credit completions in programs
1378 listed in s. 1011.62(1)(c)1.b. or c. ~~s. 1011.62(1)(e)1.~~ and 3 4.
1379 Credit completions can be a combination of either full credits
1380 or half credits.

1381 (V) A Florida Virtual School full-time equivalent student
1382 shall consist of six full credit completions in the programs
1383 listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the
1384 programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12
1385 ~~s. 1011.62(1)(e)1. and 4.~~ Credit completions can be a
1386 combination of either full credits or half credits.

1387 (VI) Each successfully completed credit earned under the
1388 alternative high school course credit requirements authorized in
1389 s. 1002.375, which is not reported as a portion of the 900 net
1390 hours of instruction pursuant to subparagraph (1)(a)1., shall be
1391 calculated as 1/6 FTE.

1392 2. A student in membership in a program scheduled for more

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1393 or less than 180 school days or the equivalent on an hourly
1394 basis as specified by rules of the State Board of Education is a
1395 fraction of a full-time equivalent membership equal to the
1396 number of instructional hours in membership divided by the
1397 appropriate number of hours set forth in subparagraph (a)1.;
1398 however, for the purposes of this subparagraph, membership in
1399 programs scheduled for more than 180 days is limited to students
1400 enrolled in juvenile justice education programs and the Florida
1401 Virtual School.

1402
1403 The department shall determine and implement an equitable method
1404 of equivalent funding for experimental schools and for schools
1405 operating under emergency conditions, which schools have been
1406 approved by the department to operate for less than the minimum
1407 school day.

1408 Section 29. Present paragraphs (l) through (p) of
1409 subsection (1) of section 1011.62, Florida Statutes, are
1410 redesignated as paragraphs (m) through (q), respectively, a new
1411 paragraph (l) is added to that subsection, present paragraph (p)
1412 of that subsection is amended, and subsections (4) and (5),
1413 paragraph (b) of subsection (6), and paragraph (a) of subsection
1414 (12) of that section are amended, to read:

1415 1011.62 Funds for operation of schools.—If the annual
1416 allocation from the Florida Education Finance Program to each
1417 district for operation of schools is not determined in the
1418 annual appropriations act or the substantive bill implementing
1419 the annual appropriations act, it shall be determined as
1420 follows:

1421 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

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1422 OPERATION.—The following procedure shall be followed in
1423 determining the annual allocation to each district for
1424 operation:

1425 (1) Study hall.—A student who is enrolled in study hall may
1426 not be included in the calculation of full-time equivalent
1427 student membership for funding under this section.

1428 (q) ~~(p)~~ Calculation of additional full-time equivalent
1429 membership for the Florida Virtual School.—The ~~total~~ reported
1430 full-time equivalent student membership for the Florida Virtual
1431 School for students who are also enrolled in a school district
1432 shall be multiplied by 0.114, and such value shall be added to
1433 the total full-time equivalent student membership.

1434 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1435 Legislature shall prescribe the aggregate required local effort
1436 for all school districts collectively as an item in the General
1437 Appropriations Act for each fiscal year. The amount that each
1438 district shall provide annually toward the cost of the Florida
1439 Education Finance Program for kindergarten through grade 12
1440 programs shall be calculated as follows:

1441 (a) *Estimated taxable value calculations.*—

1442 1.a. Not later than 2 working days prior to July 19, the
1443 Department of Revenue shall certify to the Commissioner of
1444 Education its most recent estimate of the taxable value for
1445 school purposes in each school district and the total for all
1446 school districts in the state for the current calendar year
1447 based on the latest available data obtained from the local
1448 property appraisers. The value certified shall be the taxable
1449 value for school purposes for that year, and no further
1450 adjustments shall be made, except those made pursuant to

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1451 paragraphs (c) and (d), or an assessment roll change required by
1452 final judicial decisions as specified in paragraph (12)(b). Not
1453 later than July 19, the Commissioner of Education shall compute
1454 a millage rate, rounded to the next highest one one-thousandth
1455 of a mill, which, when applied to 95 percent of the estimated
1456 state total taxable value for school purposes, would generate
1457 the prescribed aggregate required local effort for that year for
1458 all districts. The Commissioner of Education shall certify to
1459 each district school board the millage rate, computed as
1460 prescribed in this subparagraph, as the minimum millage rate
1461 necessary to provide the district required local effort for that
1462 year.

1463 b. The General Appropriations Act shall direct the
1464 computation of the statewide adjusted aggregate amount for
1465 required local effort for all school districts collectively from
1466 ad valorem taxes to ensure that no school district's revenue
1467 from required local effort millage will produce more than 90
1468 percent of the district's total Florida Education Finance
1469 Program calculation as calculated and adopted by the
1470 Legislature, and the adjustment of the required local effort
1471 millage rate of each district that produces more than 90 percent
1472 of its total Florida Education Finance Program entitlement to a
1473 level that will produce only 90 percent of its total Florida
1474 Education Finance Program entitlement in the July calculation.

1475 2. On the same date as the certification in sub-
1476 subparagraph 1.a., the Department of Revenue shall certify to
1477 the Commissioner of Education for each district:

1478 a. Each year for which the property appraiser has certified
1479 the taxable value pursuant to s. 193.122(2) or (3), if

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1480 applicable, since the prior certification under sub-subparagraph
1481 1.a.

1482 b. For each year identified in sub-subparagraph a., the
1483 taxable value certified by the appraiser pursuant to s.
1484 193.122(2) or (3), if applicable, since the prior certification
1485 under sub-subparagraph 1.a. This is the certification that
1486 reflects all final administrative actions of the value
1487 adjustment board. As revised data are received from property
1488 appraisers, the Department of Revenue shall amend the
1489 certification of the estimate of the taxable value for school
1490 purposes.

1491 ~~(b) Final calculation.—~~

1492 ~~1. The taxable value for school purposes certified by the~~
1493 ~~Department of Revenue which is used in the fourth calculation~~
1494 ~~with the annualized full-time student membership from the~~
1495 ~~February student survey shall be the final taxable value used in~~
1496 ~~the final calculation.~~

1497 ~~2. For purposes of this paragraph, the final taxable value~~
1498 ~~for school purposes shall be the taxable value for school~~
1499 ~~purposes on which the tax bills are computed and mailed to the~~
1500 ~~taxpayers, adjusted to reflect final administrative actions of~~
1501 ~~value adjustment boards and judicial decisions pursuant to~~
1502 ~~chapter 194. For each county that has not submitted a revised~~
1503 ~~tax roll reflecting final value adjustment board actions and~~
1504 ~~final judicial decisions, the Department of Revenue shall~~
1505 ~~certify the most recent revision of the taxable value for school~~
1506 ~~purposes. The value certified under subparagraph 1. shall be the~~
1507 ~~final taxable value for school purposes for that year, and no~~
1508 ~~further adjustments shall be made, except those made pursuant to~~

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1509 ~~paragraph (12) (b).~~

1510 (b) ~~(c)~~ *Equalization of required local effort.*—

1511 1. The Department of Revenue shall include with its
1512 certifications provided pursuant to paragraph (a) its most
1513 recent determination of the assessment level of the prior year's
1514 assessment roll for each county and for the state as a whole.

1515 2. The Commissioner of Education shall adjust the required
1516 local effort millage of each district for the current year,
1517 computed pursuant to paragraph (a), as follows:

1518 a. The equalization factor for the prior year's assessment
1519 roll of each district shall be multiplied by 95 percent of the
1520 taxable value for school purposes shown on that roll and by the
1521 prior year's required local-effort millage, exclusive of any
1522 equalization adjustment made pursuant to this paragraph. The
1523 dollar amount so computed shall be the additional required local
1524 effort for equalization for the current year.

1525 b. Such equalization factor shall be computed as the
1526 quotient of the prior year's assessment level of the state as a
1527 whole divided by the prior year's assessment level of the
1528 county, from which quotient shall be subtracted 1.

1529 c. The dollar amount of additional required local effort
1530 for equalization for each district shall be converted to a
1531 millage rate, based on 95 percent of the current year's taxable
1532 value for that district, and added to the required local effort
1533 millage determined pursuant to paragraph (a).

1534 3. Notwithstanding the limitations imposed pursuant to s.
1535 1011.71(1), the total required local-effort millage, including
1536 additional required local effort for equalization, shall be an
1537 amount not to exceed 10 minus the maximum millage allowed as

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1538 nonvoted discretionary millage, exclusive of millage authorized
1539 pursuant to s. 1011.71(2). Nothing herein shall be construed to
1540 allow a millage in excess of that authorized in s. 9, Art. VII
1541 of the State Constitution.

1542 4. For the purposes of this chapter, the term "assessment
1543 level" means the value-weighted mean assessment ratio for the
1544 county or state as a whole, as determined pursuant to s.
1545 195.096, or as subsequently adjusted. However, for those parcels
1546 studied pursuant to s. 195.096(3)(a)1. which are receiving the
1547 assessment limitation set forth in s. 193.155, and for which the
1548 assessed value is less than the just value, the department shall
1549 use the assessed value in the numerator and the denominator of
1550 such assessment ratio. In the event a court has adjudicated that
1551 the department failed to establish an accurate estimate of an
1552 assessment level of a county and recomputation resulting in an
1553 accurate estimate based upon the evidence before the court was
1554 not possible, that county shall be presumed to have an
1555 assessment level equal to that of the state as a whole.

1556 5. If, in the prior year, taxes were levied against an
1557 interim assessment roll pursuant to s. 193.1145, the assessment
1558 level and prior year's nonexempt assessed valuation used for the
1559 purposes of this paragraph shall be those of the interim
1560 assessment roll.

1561 (c) ~~(d)~~ *Exclusion.*—

1562 1. In those instances in which:

1563 a. There is litigation either attacking the authority of
1564 the property appraiser to include certain property on the tax
1565 assessment roll as taxable property or contesting the assessed
1566 value of certain property on the tax assessment roll, and

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1567 b. The assessed value of the property in contest involves
1568 more than 6 percent of the total nonexempt assessment roll, the
1569 plaintiff shall provide to the district school board of the
1570 county in which the property is located and to the Department of
1571 Education a certified copy of the petition and receipt for the
1572 good faith payment at the time they are filed with the court.

1573 2. For purposes of computing the required local effort for
1574 each district affected by such petition, the Department of
1575 Education shall exclude from the district's total nonexempt
1576 assessment roll the assessed value of the property in contest
1577 and shall add the amount of the good faith payment to the
1578 district's required local effort.

1579 ~~(d)~~ *Recomputation.*—Following final adjudication of any
1580 litigation on the basis of which an adjustment in taxable value
1581 was made pursuant to paragraph (c) ~~(d)~~, the department shall
1582 recompute the required local effort for each district for each
1583 year affected by such adjustments, utilizing taxable values
1584 approved by the court, and shall adjust subsequent allocations
1585 to such districts accordingly.

1586 (e) Prior period funding adjustment millage.—

1587 1. There shall be an additional millage to be known as the
1588 Prior Period Funding Adjustment Millage levied by a school
1589 district if the prior period unrealized required local effort
1590 funds are greater than zero. The Commissioner of Education shall
1591 calculate the amount of the prior period unrealized required
1592 local effort funds as specified in subparagraph 2. and the
1593 millage required to generate that amount as specified in this
1594 subparagraph. The Prior Period Funding Adjustment Millage shall
1595 be the quotient of the prior period unrealized required local

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1596 effort funds divided by the current year taxable value certified
1597 to the Commissioner of Education pursuant to sub-subparagraph
1598 (a)1.a. This levy shall be in addition to the required local
1599 effort millage certified pursuant to this subsection. Such
1600 millage shall not affect the calculation of the current year's
1601 required local effort and the funds generated by such levy shall
1602 not be included in the district's Florida Education Finance
1603 Program allocation for that fiscal year. For purpose of the
1604 millage to be included on the Notice of Proposed Taxes, the
1605 Commissioner of Education shall adjust the required local effort
1606 millage computed pursuant to paragraph (a) as adjusted by
1607 paragraph (b) for the current year for any district that levies
1608 a Prior Period Funding Adjustment Millage to include all Prior
1609 Period Funding Adjustment Millage. For the purpose of this
1610 paragraph, there shall be a Prior Period Funding Adjustment
1611 Millage levied for each year certified by the Department of
1612 Revenue pursuant to sub-subparagraph (a)2.a. since the previous
1613 year certification and for which the calculation in sub-
1614 subparagraph 2.b. is greater than zero.

1615 2.a. As used in this subparagraph, the term:

1616 (I) "Prior year" means a year certified under sub-
1617 subparagraph (a)2.a.

1618 (II) "Preliminary taxable value" means:

1619 (A) If the prior year is the 2009-2010 fiscal year or
1620 later, the taxable value certified to the Commissioner of
1621 Education pursuant to sub-subparagraph (a)1.a.

1622 (B) If the prior year is the 2008-2009 fiscal year or
1623 earlier, the taxable value certified pursuant to the final
1624 calculation as specified in former paragraph (b) as that

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1625 paragraph existed in the prior year.

1626 (III) "Final taxable value" means the district's taxable
1627 value as certified by the property appraiser pursuant to s.
1628 193.122(2) or (3), if applicable. This is the certification that
1629 reflects all final administrative actions of the value
1630 adjustment board.

1631 b. For purposes of this subsection and with respect to each
1632 year certified pursuant to sub-subparagraph (a)2.a., if the
1633 district's prior year preliminary taxable value is greater than
1634 the district's prior year final taxable value, the prior period
1635 unrealized required local effort funds are the difference
1636 between the district's prior year preliminary taxable value and
1637 the district's prior year final taxable value, multiplied by the
1638 prior year district required local effort millage. If the
1639 district's prior year preliminary taxable value is less than the
1640 district's prior year final taxable value, the prior period
1641 unrealized required local effort funds are zero.

1642 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
1643 Legislature shall prescribe in the General Appropriations Act,
1644 pursuant to s. 1011.71(1), the rate of nonvoted current
1645 operating discretionary millage that shall be used to calculate
1646 a discretionary millage compression supplement. If the
1647 prescribed millage generates an amount of funds per unweighted
1648 FTE for the district that is less than the state average, the
1649 district shall receive an amount per FTE that, when added to the
1650 funds per FTE generated by the designated levy, shall equal the
1651 state average. ~~To be eligible for the supplement, a district~~
1652 ~~must levy the maximum authorized millage pursuant to s. 1011.71.~~

1653 (6) CATEGORICAL FUNDS.—

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1654 (b) If a district school board finds and declares in a
1655 resolution adopted at a regular meeting of the school board that
1656 the funds received for any of the following categorical
1657 appropriations are urgently needed to maintain school board
1658 specified academic classroom instruction, the school board may
1659 consider and approve an amendment to the school district
1660 operating budget transferring the identified amount of the
1661 categorical funds to the appropriate account for expenditure:

- 1662 1. Funds for student transportation.
- 1663 2. Funds for safe schools.
- 1664 3. Funds for supplemental academic instruction.
- 1665 4. Funds for research-based reading instruction.
- 1666 5. Funds for instructional materials if all instructional
1667 material purchases have been completed for that fiscal year, but
1668 no sooner than March 1, 2010 ~~2009~~.

1669 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
1670 CURRENT OPERATION.—The total annual state allocation to each
1671 district for current operation for the FEFP shall be distributed
1672 periodically in the manner prescribed in the General
1673 Appropriations Act.

1674 (a) ~~The basic amount for current operation for the FEFP as~~
1675 ~~determined in subsection (1), multiplied by the district cost~~
1676 ~~differential factor as determined in subsection (2), plus the~~
1677 ~~amounts provided for categorical components within the FEFP,~~
1678 ~~plus the discretionary millage compression supplement as~~
1679 ~~determined in subsection (5), the amount for the sparsity~~
1680 ~~supplement as determined in subsection (7), the decline in full-~~
1681 ~~time equivalent students as determined in subsection (8), the~~
1682 ~~research-based reading instruction allocation as determined in~~

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1683 ~~subsection (9), the allocation for juvenile justice education~~
1684 ~~programs as determined in subsection (10), the quality assurance~~
1685 ~~guarantee as determined in subsection (11), less the required~~
1686 ~~local effort as determined in subsection (4).~~ If the funds
1687 appropriated for the purpose of funding the total amount for
1688 current operation of the FEFP as provided in this paragraph are
1689 not sufficient to pay the state requirement in full, the
1690 department shall prorate the available state funds to each
1691 district in the following manner:

1692 1. Determine the percentage of proration by dividing the
1693 sum of the total amount for current operation, as provided in
1694 this paragraph for all districts collectively, and the total
1695 district required local effort into the sum of the state funds
1696 available for current operation and the total district required
1697 local effort.

1698 2. Multiply the percentage so determined by the sum of the
1699 total amount for current operation as provided in this paragraph
1700 and the required local effort for each individual district.

1701 3. From the product of such multiplication, subtract the
1702 required local effort of each district; and the remainder shall
1703 be the amount of state funds allocated to the district for
1704 current operation.

1705 Section 30. Subsection (7) of section 1011.68, Florida
1706 Statutes, is repealed.

1707 Section 31. Section 1011.685, Florida Statutes, is amended
1708 to read:

1709 1011.685 Class size reduction; operating categorical fund.—

1710 (1) There is created an operating categorical fund for
1711 implementing the class size reduction provisions of s. 1, Art.

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1712 IX of the State Constitution. These funds shall be allocated to
1713 each school district in the amount prescribed by the Legislature
1714 in the General Appropriations Act.

1715 (2) Class size reduction operating categorical funds shall
1716 be used by school districts to reduce class size as required in
1717 s. 1003.03, or the funds may be used for any lawful operating
1718 expenditure; however, priority shall be given to increasing
1719 salaries of classroom teachers. for the following:

1720 ~~(a) To reduce class size in any lawful manner, if the~~
1721 ~~district has not met the constitutional maximums identified in~~
1722 ~~s. 1003.03(1) or the reduction of two students per year required~~
1723 ~~by s. 1003.03(2).~~

1724 ~~(b) For any lawful operating expenditure, if the district~~
1725 ~~has met the constitutional maximums identified in s. 1003.03(1)~~
1726 ~~or the reduction of two students per year required by s.~~
1727 ~~1003.03(2); however, priority shall be given to increase~~
1728 ~~salaries of classroom teachers as defined in s. 1012.01(2)(a)~~
1729 ~~and to implement the differentiated pay provisions detailed in~~
1730 ~~s. 1012.22.~~

1731 Section 32. Paragraph (b) of subsection (4) of section
1732 1011.69, Florida Statutes, is repealed.

1733 Section 33. Section 1011.71, Florida Statutes, as amended
1734 by section 12 of chapter 2009-3, Laws of Florida, is amended to
1735 read:

1736 1011.71 District school tax.—

1737 (1) If the district school tax is not provided in the
1738 General Appropriations Act or the substantive bill implementing
1739 the General Appropriations Act, each district school board
1740 desiring to participate in the state allocation of funds for

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1741 current operation as prescribed by s. 1011.62(12) shall levy on
1742 the taxable value for school purposes of the district, exclusive
1743 of millage voted under the provisions of s. 9(b) or s. 12, Art.
1744 VII of the State Constitution, a millage rate not to exceed the
1745 amount certified by the commissioner as the minimum millage rate
1746 necessary to provide the district required local effort for the
1747 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
1748 required local effort millage levy, each district school board
1749 may levy a nonvoted current operating discretionary millage. The
1750 Legislature shall prescribe annually in the appropriations act
1751 the maximum amount of millage a district may levy.

1752 (2) In addition to the maximum millage levy as provided in
1753 subsection (1), each school board may levy not more than 1.5
1754 ~~1.75~~ mills against the taxable value for school purposes for
1755 district schools, including charter schools at the discretion of
1756 the school board, to fund:

1757 (a) New construction and remodeling projects, as set forth
1758 in s. 1013.64(3)(b) and (6)(b) and included in the district's
1759 educational plant survey pursuant to s. 1013.31, without regard
1760 to prioritization, sites and site improvement or expansion to
1761 new sites, existing sites, auxiliary facilities, athletic
1762 facilities, or ancillary facilities.

1763 (b) Maintenance, renovation, and repair of existing school
1764 plants or of leased facilities to correct deficiencies pursuant
1765 to s. 1013.15(2).

1766 (c) The purchase, lease-purchase, or lease of school buses.

1767 (d) Effective July 1, 2008, the purchase, lease-purchase,
1768 or lease of new and replacement equipment, and enterprise
1769 resource software applications that are classified as capital

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1770 assets in accordance with definitions of the Governmental
1771 Accounting Standards Board, have a useful life of at least 5
1772 years, and are used to support districtwide administration or
1773 state-mandated reporting requirements.

1774 (e) Payments for educational facilities and sites due under
1775 a lease-purchase agreement entered into by a district school
1776 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
1777 exceeding, in the aggregate, an amount equal to three-fourths of
1778 the proceeds from the millage levied by a district school board
1779 pursuant to this subsection. For the 2009-2010 fiscal year, the
1780 three-fourths limit is waived for lease-purchase agreements
1781 entered into before June 30, 2009, by a district school board
1782 pursuant to this paragraph.

1783 (f) Payment of loans approved pursuant to ss. 1011.14 and
1784 1011.15.

1785 (g) Payment of costs directly related to complying with
1786 state and federal environmental statutes, rules, and regulations
1787 governing school facilities.

1788 (h) Payment of costs of leasing relocatable educational
1789 facilities, of renting or leasing educational facilities and
1790 sites pursuant to s. 1013.15(2), or of renting or leasing
1791 buildings or space within existing buildings pursuant to s.
1792 1013.15(4).

1793 (i) Payment of the cost of school buses when a school
1794 district contracts with a private entity to provide student
1795 transportation services if the district meets the requirements
1796 of this paragraph.

1797 1. The district's contract must require that the private
1798 entity purchase, lease-purchase, or lease, and operate and

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1799 maintain, one or more school buses of a specific type and size
1800 that meet the requirements of s. 1006.25.

1801 2. Each such school bus must be used for the daily
1802 transportation of public school students in the manner required
1803 by the school district.

1804 3. Annual payment for each such school bus may not exceed
1805 10 percent of the purchase price of the state pool bid.

1806 4. The proposed expenditure of the funds for this purpose
1807 must have been included in the district school board's notice of
1808 proposed tax for school capital outlay as provided in s.
1809 200.065(10).

1810 (j) Payment of the cost of the opening day collection for
1811 the library media center of a new school.

1812 (3) (a) Notwithstanding subsection (2), if the revenue from
1813 1.5 mills is insufficient to meet the payments due under a
1814 lease-purchase agreement entered into before June 30, 2009, by a
1815 district school board pursuant to paragraph (2) (e), or to meet
1816 other critical district fixed capital outlay needs, the board,
1817 in addition to the 1.5 mills, may levy up to 0.25 mills for
1818 fixed capital outlay in lieu of levying an equivalent amount of
1819 the discretionary mills for operations as provided in the
1820 General Appropriations Act. Millage levied pursuant to this
1821 subsection is subject to the provisions of s. 200.065 and,
1822 combined with the 1.5 mills authorized in subsection (2), may
1823 not exceed 1.75 mills. If the district chooses to use up to 0.25
1824 mills for fixed capital outlay, the compression adjustment
1825 pursuant to s. 1011.62(5) shall be calculated for the standard
1826 discretionary millage that is not eligible for transfer to
1827 capital outlay.

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1828 (b) In addition to the millage authorized in this section,
1829 each district school board may, by a super majority vote, levy
1830 an additional 0.25 mills for critical capital outlay needs or
1831 for critical operating needs. If levied for capital outlay,
1832 expenditures shall be subject to the requirements of this
1833 section. If levied for operations, expenditures shall be
1834 consistent with the requirements for operating funds received
1835 pursuant to s. 1011.62. If the district levies this additional
1836 0.25 mills for operations, the compression adjustment pursuant
1837 to s. 1011.62(5) shall be calculated and added to the district's
1838 FEFP allocation. Millage levied pursuant to this paragraph is
1839 subject to the provisions of s. 200.065. In order to be
1840 continued, millage levied pursuant to this paragraph must be
1841 approved by the voters of the district at the next general
1842 election.

1843 ~~(4)(3)~~ If the revenue from the millage authorized in
1844 subsection (2) is insufficient to make payments due under a
1845 lease-purchase agreement entered into prior to June 30, 2008, by
1846 a district school board pursuant to paragraph (2)(e), an amount
1847 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
1848 within the school district shall be legally available for such
1849 payments, notwithstanding other restrictions on the use of such
1850 revenues imposed by law.

1851 ~~(5)(4)~~ Effective July 1, 2008, ~~and through June 30, 2010,~~ a
1852 school district may expend, subject to the provisions of s.
1853 200.065, up to \$100 per unweighted full-time equivalent student
1854 from the revenue generated by the millage levy authorized by
1855 subsection (2) to fund, in addition to expenditures authorized
1856 in paragraphs (2)(a)-(j), expenses for the following:

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1857 (a) The purchase, lease-purchase, or lease of driver's
1858 education vehicles; motor vehicles used for the maintenance or
1859 operation of plants and equipment; security vehicles; or
1860 vehicles used in storing or distributing materials and
1861 equipment.

1862 (b) Payment of the cost of premiums for property and
1863 casualty insurance necessary to insure school district
1864 educational and ancillary plants. Operating revenues that are
1865 made available through the payment of property and casualty
1866 insurance premiums from revenues generated under this subsection
1867 may be expended only for nonrecurring operational expenditures
1868 of the school district.

1869 (6)~~(5)~~ Violations of the expenditure provisions in
1870 subsection (2) or subsection (4) shall result in an equal dollar
1871 reduction in the Florida Education Finance Program (FEFP) funds
1872 for the violating district in the fiscal year following the
1873 audit citation.

1874 (7)~~(6)~~ These taxes shall be certified, assessed, and
1875 collected as prescribed in s. 1011.04 and shall be expended as
1876 provided by law.

1877 (8)~~(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
1878 construed to increase the maximum school millage levies as
1879 provided for in subsection (1).

1880 (9)~~(8)~~ In addition to the maximum millage levied under this
1881 section and the General Appropriations Act, a school district
1882 may levy, by local referendum or in a general election,
1883 additional millage for school operational purposes up to an
1884 amount that, when combined with nonvoted millage levied under
1885 this section, does not exceed the 10-mill limit established in

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1886 s. 9(b), Art. VII of the State Constitution. Any such levy shall
1887 be for a maximum of 4 years and shall be counted as part of the
1888 10-mill limit established in s. 9(b), Art. VII of the State
1889 Constitution. Millage elections conducted under the authority
1890 granted pursuant to this section are subject to s. 1011.73.
1891 Funds generated by such additional millage do not become a part
1892 of the calculation of the Florida Education Finance Program
1893 total potential funds in 2001-2002 or any subsequent year and
1894 must not be incorporated in the calculation of any hold-harmless
1895 or other component of the Florida Education Finance Program
1896 formula in any year. If an increase in required local effort,
1897 when added to existing millage levied under the 10-mill limit,
1898 would result in a combined millage in excess of the 10-mill
1899 limit, any millage levied pursuant to this subsection shall be
1900 considered to be required local effort to the extent that the
1901 district millage would otherwise exceed the 10-mill limit.

1902 Section 34. If the Commissioner of Education determines
1903 that a school district acted in good faith, he or she may waive
1904 the equal-dollar reduction, required in s. 1011.71, Florida
1905 Statutes, for audit findings during the 2007-2008 fiscal year
1906 which were related to the purchase of software.

1907 Section 35. Paragraph (g) of subsection (3) of section
1908 1012.33, Florida Statutes, is amended, and subsection (9) is
1909 added to that section, to read:

1910 1012.33 Contracts with instructional staff, supervisors,
1911 and school principals.—

1912 (3)

1913 (g) Beginning July 1, 2001, for each employee who enters
1914 into a written contract, pursuant to this section, in a school

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1915 district in which the employee was not employed as of June 30,
1916 2001, or was employed as of June 30, 2001, but has since broken
1917 employment with that district for 1 school year or more, for
1918 purposes of pay, a district school board must recognize and
1919 accept each year of full-time public school teaching service
1920 earned in the State of Florida ~~or outside the state~~ and for
1921 which the employee received a satisfactory performance
1922 evaluation; however, an employee may voluntarily waive this
1923 provision. Instructional personnel employed pursuant to s.
1924 121.091(9)(b)3. are exempt from the provisions of this
1925 paragraph.

1926 (9) Notwithstanding this section or any other law or rule
1927 to the contrary, for the 2009-2010 and 2010-2011 fiscal years,
1928 district school boards should not enter into a new professional
1929 service contract if the only funds available to pay such
1930 contract are from nonrecurring Federal Stabilization Funds.

1931 Section 36. Subsection (1) of section 1012.59, Florida
1932 Statutes, is amended to read:

1933 1012.59 Certification fees.—

1934 (1) The State Board of Education, by rule, shall establish
1935 separate fees for applications, examinations, certification,
1936 certification renewal, late renewal, recordmaking, and
1937 recordkeeping, and may establish procedures for scheduling and
1938 administering an examination upon an applicant's request. Each
1939 fee shall be based on department estimates of the revenue
1940 required to implement the provisions of law with respect to
1941 certification of school personnel. The application fee shall be
1942 nonrefundable. Each examination fee shall be sufficient to cover
1943 the actual cost of developing and administering the examination.

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1944 ~~but shall not exceed \$100 for an examination.~~

1945 Section 37. Subsection (6) is added to section 1012.71,
1946 Florida Statutes, to read:

1947 1012.71 The Florida Teachers Lead Program.—

1948 (6) For the 2009-2010 fiscal year, the Department of
1949 Education is authorized to conduct a pilot program to determine
1950 the feasibility of managing the Florida Teachers Lead Program
1951 through a centralized electronic system. The pilot program must:

1952 (a) Be established through a competitive procurement
1953 process;

1954 (b) Provide the capability for participating teachers to
1955 purchase from online sources;

1956 (c) Provide the capability for participating teachers to
1957 purchase from local vendors by means other than online
1958 purchasing;

1959 (d) Generally comply with the provisions of this section;

1960 (e) Be subject to annual auditing requirements to ensure
1961 accountability for funds received and disbursed; and

1962 (f) Provide for all unused funds to be returned to the
1963 state at the close of each fiscal year.

1964
1965 Any participation in this pilot program by school districts and
1966 individual teachers must be on a voluntary basis. The department
1967 may limit the number of participating districts to the number it
1968 deems feasible to adequately measure the viability of the pilot
1969 program. The department is not required to implement this pilot
1970 program if it determines that the number of school districts
1971 willing to participate is insufficient to adequately measure the
1972 viability of the pilot program.

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1973 Section 38. Subsection (6) is added to section 1013.37,
1974 Florida Statutes, to read:

1975 1013.37 State uniform building code for public educational
1976 facilities construction.—

1977 (6) Notwithstanding the requirements of section 22 of
1978 chapter 2008-227, Laws of Florida, the standards for new school
1979 construction, remodeling, and renovation projects shall be
1980 limited to the minimum standards for construction of educational
1981 facilities contained in section 423 of the Florida Building Code
1982 and the State Requirements for Educational Facilities contained
1983 in rules adopted by the Department of Education. This subsection
1984 expires July 1, 2010.

1985 Section 39. Subsection (1) of section 1013.62, Florida
1986 Statutes, is amended, and paragraphs (f), (g), and (h) are added
1987 to subsection (2) of that section, to read:

1988 1013.62 Charter schools capital outlay funding.—

1989 (1) In each year in which funds are appropriated for
1990 charter school capital outlay purposes, the Commissioner of
1991 Education shall allocate the funds among eligible charter
1992 schools.

1993 (a) To be eligible for a funding allocation, a charter
1994 school must:

1995 1.a. ~~(a)1.~~ Have been in operation for 3 or more years;

1996 b. Be governed by a governing board established in the
1997 state for 3 or more years which operates both charter schools
1998 and conversion charter schools within the state;

1999 c. ~~2.~~ Be an expanded feeder chain of a charter school within
2000 the same school district that is currently receiving charter
2001 school capital outlay funds; or

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2002 d.3. Have been accredited by the Commission on Schools of
2003 the Southern Association of Colleges and Schools.

2004 2.(b) Have financial stability for future operation as a
2005 charter school.

2006 3.(e) Have satisfactory student achievement based on state
2007 accountability standards applicable to the charter school.

2008 4.(d) Have received final approval from its sponsor
2009 pursuant to s. 1002.33 for operation during that fiscal year.

2010 5.(e) Serve students in facilities that are not provided by
2011 the charter school's sponsor.

2012 (b) The first priority for charter school capital outlay
2013 funding is ~~shall be~~ to allocate to the charter schools that
2014 received funding in the 2005-2006 fiscal year an allocation of
2015 the same amount per capital outlay full-time equivalent student,
2016 up to the lesser of the actual number of capital outlay full-
2017 time equivalent students in the current year, or the capital
2018 outlay full-time equivalent students in the 2005-2006 fiscal
2019 year. After calculating the first priority, the second priority
2020 is ~~shall be~~ to allocate excess funds remaining in the
2021 appropriation in an amount equal to the per capital outlay full-
2022 time equivalent student amount in the first priority calculation
2023 to eligible charter schools not included in the first priority
2024 calculation and to schools in the first priority calculation
2025 with growth greater than ~~in excess of~~ the 2005-2006 capital
2026 outlay full-time equivalent students. After calculating the
2027 first and second priorities, excess funds remaining in the
2028 appropriation must ~~shall~~ be allocated to all eligible charter
2029 schools.

2030 (c) A charter school's allocation may ~~shall~~ not exceed one-

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2031 fifteenth of the cost per student station specified in s.
2032 1013.64(6)(b). Before releasing ~~Prior to the release of~~ capital
2033 outlay funds to a school district on behalf of the charter
2034 school, the Department of Education must ~~shall~~ ensure that the
2035 district school board and the charter school governing board
2036 enter into a written agreement that provides ~~includes provisions~~
2037 for the reversion of any unencumbered funds and all equipment
2038 and property purchased with public education funds to the
2039 ownership of the district school board, as provided for in
2040 subsection (3) if, ~~in the event that~~ the school terminates
2041 operations. Any funds recovered by the state shall be deposited
2042 in the General Revenue Fund.

2043 (d) A charter school is not eligible for a funding
2044 allocation if it was created by the conversion of a public
2045 school and operates in facilities provided by the charter
2046 school's sponsor for a nominal fee, or at no charge, or if it is
2047 directly or indirectly operated by the school district.

2048 (e) Unless otherwise provided in the General Appropriations
2049 Act, the funding allocation for each eligible charter school is
2050 ~~shall be~~ determined by multiplying the school's projected
2051 student enrollment by one-fifteenth of the cost-per-student
2052 station specified in s. 1013.64(6)(b) for an elementary, middle,
2053 or high school, as appropriate. If the funds appropriated are
2054 not sufficient, the commissioner shall prorate the available
2055 funds among eligible charter schools. However, a ~~no~~ charter
2056 school or charter lab school may not ~~shall~~ receive state charter
2057 school capital outlay funds greater than ~~in excess of~~ the one-
2058 fifteenth cost per student station formula if the charter
2059 school's combination of state charter school capital outlay

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2060 funds, capital outlay funds calculated through the reduction in
2061 the administrative fee provided in s. 1002.33(20), and capital
2062 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the
2063 one-fifteenth cost per student station formula.

2064 (f) Funds shall be distributed on the basis of the capital
2065 outlay full-time equivalent membership by grade level, which is
2066 ~~shall be~~ calculated by averaging the results of the second and
2067 third enrollment surveys. The Department of Education shall
2068 distribute capital outlay funds monthly, beginning in the first
2069 quarter of the fiscal year, based on one-twelfth of the amount
2070 the department reasonably expects the charter school to receive
2071 during that fiscal year. The commissioner shall adjust
2072 subsequent distributions as necessary to reflect each charter
2073 school's actual student enrollment as reflected in the second
2074 and third enrollment surveys. The commissioner shall establish
2075 the intervals and procedures for determining the projected and
2076 actual student enrollment of eligible charter schools.

2077 (2) A charter school's governing body may use charter
2078 school capital outlay funds for the following purposes:

2079 (f) Effective July 1, 2008, purchase, lease-purchase, or
2080 lease of new and replacement equipment, and enterprise resource
2081 software applications that are classified as capital assets in
2082 accordance with definitions of the Governmental Accounting
2083 Standards Board, have a useful life of at least 5 years, and are
2084 used to support schoolwide administration or state-mandated
2085 reporting requirements.

2086 (g) Payment of the cost of premiums for property and
2087 casualty insurance necessary to insure the school facilities.

2088 (h) Purchase, lease-purchase, or lease of driver's

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2089 education vehicles; motor vehicles used for the maintenance or
2090 operation of plants and equipment; security vehicles; or
2091 vehicles used in storing or distributing materials and
2092 equipment.

2093
2094 Conversion charter schools may use capital outlay funds received
2095 through the reduction in the administrative fee provided in s.
2096 1002.33(20) for renovation, repair, and maintenance of school
2097 facilities that are owned by the sponsor.

2098 Section 40. Paragraph (b) of subsection (6) of section
2099 1013.64, Florida Statutes, as amended by section 14 of chapter
2100 2009-3, Laws of Florida, is amended, and subsection (7) is added
2101 to that section, to read:

2102 1013.64 Funds for comprehensive educational plant needs;
2103 construction cost maximums for school district capital
2104 projects.—Allocations from the Public Education Capital Outlay
2105 and Debt Service Trust Fund to the various boards for capital
2106 outlay projects shall be determined as follows:

2107 (6)

2108 (b)1. A district school board, including a district school
2109 board of an academic performance-based charter school district,
2110 must not use funds from the following sources: Public Education
2111 Capital Outlay and Debt Service Trust Fund; School District and
2112 Community College District Capital Outlay and Debt Service Trust
2113 Fund; Classrooms First Program funds provided in s. 1013.68;
2114 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
2115 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.
2116 1011.71(2); Classrooms for Kids Program funds provided in s.
2117 1013.735; District Effort Recognition Program funds provided in

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2118 s. 1013.736; or High Growth District Capital Outlay Assistance
2119 Grant Program funds provided in s. 1013.738 for any new
2120 construction of educational plant space with a total cost per
2121 student station, including change orders, that equals more than:
2122 a. \$17,952 for an elementary school,
2123 b. \$19,386 for a middle school, or
2124 c. \$25,181 for a high school,

2125
2126 (January 2006) as adjusted annually to reflect increases or
2127 decreases in the Consumer Price Index.

2128 2. A district school board must not use funds from the
2129 Public Education Capital Outlay and Debt Service Trust Fund or
2130 the School District and Community College District Capital
2131 Outlay and Debt Service Trust Fund for any new construction of
2132 an ancillary plant that exceeds 70 percent of the average cost
2133 per square foot of new construction for all schools.

2134 (7) Notwithstanding subsection (2), the district school
2135 board of Wakulla County shall contribute 1 mill in the 2009-2010
2136 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the
2137 cost of currently funded special facilities construction
2138 projects. The district school board of Liberty County shall
2139 contribute 1 mill for each of the fiscal years 2009-2010 through
2140 2011-2012 to the cost of currently funded special facilities
2141 construction projects. If funds are made available in the
2142 General Appropriations Act for the 2009-2010 fiscal year for the
2143 district school board of Calhoun County from the Special
2144 Facilities Construction Account, the district school board shall
2145 contribute 1.125 mills for each of the fiscal years from 2009-
2146 2010 through 2012-2013 to the cost of funded special facilities

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2147 construction projects.

2148 Section 41. Section 9 of chapter 2008-142, Laws of Florida,
2149 is repealed.

2150 Section 42. In order to implement Specific Appropriations
2151 5A, 6, 7, 76, and 77 of the General Appropriations Act for the
2152 2009-2010 fiscal year, the calculations of the Florida Education
2153 Finance Program for the 2009-2010 fiscal year in the document
2154 entitled "Public School Funding - The Florida Education Finance
2155 Program," dated May 5, 2009, and filed with the Secretary of the
2156 Senate are incorporated by reference for the purpose of
2157 displaying the calculations used by the Legislature, consistent
2158 with requirements of the Florida Statutes, in making
2159 appropriations for the Florida Education Finance Program.

2160 Section 43. This act shall take effect July 1, 2009.