

1 A bill to be entitled
2 An act relating to education funding; amending s. 1001.20,
3 F.S.; providing additional responsibilities of the Office
4 of Technology and Information Services in the Office of
5 the Commissioner of Education; creating s. 1001.271, F.S.;
6 requiring the commissioner to purchase a portion of
7 Internet access services for the Florida Information
8 Resource Network; amending s. 1001.28, F.S.; revising the
9 Department of Education's duties concerning distance
10 learning; amending s. 1001.395, F.S.; requiring that the
11 salary of district school board members be the same as the
12 annual calculation or the salary of members of the
13 Legislature, whichever is less, for a specified period;
14 amending s. 1001.42, F.S.; providing for the operation of
15 schools for a term of 180 days or the equivalent on an
16 hourly basis; clarifying provisions authorizing the
17 payment of earned leave and benefits accrued by a district
18 school board employee before his or her employment
19 contract expires; amending s. 1001.451, F.S.; revising
20 provisions relating to the funding of regional consortium
21 service organizations; amending s. 1001.47, F.S.;
22 authorizing elected district school superintendents to
23 reduce their salary rates on a voluntary basis; requiring
24 that each elected superintendent's salary be reduced by 5
25 percent for the 2009-2010 fiscal year; amending s.
26 1001.50, F.S.; clarifying provisions authorizing payment
27 of earned leave and benefits accrued by a superintendent
28 before his or her employment contract terminates; limiting

29 | the use of compensation in calculating benefits;
30 | encouraging review and reduction of compensation; amending
31 | s. 1002.37, F.S.; restricting funds for the Florida
32 | Virtual School; amending s. 1002.43, F.S.; conforming
33 | provisions; amending s. 1002.45, F.S.; revising provisions
34 | relating to the provision of and access to school district
35 | virtual instruction programs and the providers of such
36 | programs; amending s. 1002.71, F.S.; revising provisions
37 | relating to the funding of prekindergarten programs;
38 | revising requirements for the Voluntary Prekindergarten
39 | Education Program attendance policy; amending s. 1003.02,
40 | F.S.; providing for the operation of schools for a term of
41 | 180 days or the equivalent on an hourly basis; amending s.
42 | 1003.03, F.S.; extending dates relating to the calculation
43 | of the number of students for purposes of complying with
44 | the class size requirements; amending s. 1004.55, F.S.;
45 | revising provisions relating to the location and service
46 | area of a regional autism center; amending s. 1006.06,
47 | F.S.; revising provisions relating to school breakfast
48 | programs to include state allocations; amending s.
49 | 1006.28, F.S.; clarifying the definition of the term
50 | "adequate instructional materials"; amending s. 1006.40,
51 | F.S.; revising provisions relating to the purchase of
52 | instructional materials; amending s. 1008.29, F.S.;
53 | revising provisions relating to the establishment of fees
54 | for the College-level communications and mathematics
55 | skills examination; amending s. 1008.41, F.S.; authorizing
56 | rather than requiring the commissioner to employ the

57 Florida Information Resource Network for workforce
58 education data management; amending s. 1010.11, F.S.;
59 providing for the electronic transfer of funds for certain
60 payments; amending s. 1011.18, F.S.; providing for the
61 transfer of funds from depositories for certain payments;
62 amending s. 1011.60, F.S.; revising the minimum
63 requirements for the Florida Education Finance Program
64 relating to the term of operation; providing for 196 days
65 of service or the equivalent on an hourly basis for
66 certain school district personnel; amending s. 1011.61,
67 F.S.; redefining the term "full-time equivalent student";
68 amending s. 1011.62, F.S.; requiring that a student who is
69 enrolled in study hall or participates in on-the-job
70 training may not be included in the calculation of full-
71 time equivalent student membership for funding purposes;
72 revising provisions relating to the final calculation of
73 taxable value for purposes of required local effort;
74 extending a date relating to categorical funds for
75 instructional materials; revising the calculation for the
76 total allocation of state funds to districts for current
77 operations; repealing s. 1011.69(4)(b), F.S., relating to
78 funds excluded from allocations under the Equity in
79 School-Level Funding Act; amending s. 1011.71, F.S.;
80 reducing the authorized millage levy for capital
81 improvement; revising provisions that authorize the
82 expenditure of such millage; waiving the limit for
83 payments under certain lease-purchase agreements for a
84 specified period; authorizing waiver of certain equal

85 | dollar reductions; authorizing district school boards to
86 | levy additional millage for certain purposes for a
87 | specified period; providing restrictions and for certain
88 | calculation; amending s. 1011.73, F.S.; correcting a
89 | cross-reference; amending s. 1012.33, F.S.; extending the
90 | period of service for annual contract school personnel
91 | under certain circumstances; deleting provisions relating
92 | to the acceptance of certain teacher service; amending s.
93 | 1012.59, F.S.; revising personnel certification fee
94 | provisions; amending s. 1012.71, F.S.; authorizing the
95 | department to conduct a pilot program to determine the
96 | feasibility of managing the Florida Teachers Lead Program
97 | through a centralized electronic system; amending s.
98 | 1012.72, F.S.; providing requirements for bonuses under
99 | the Dale Hickam Excellent Teaching Program; authorizing
100 | rules; amending s. 1013.62, F.S.; providing additional
101 | uses for charter school capital outlay funds; amending s.
102 | 1013.64, F.S.; conforming provisions; requiring certain
103 | school districts to contribute specified millage amounts
104 | for special facilities construction projects; repealing s.
105 | 9 of ch. 2008-142, Laws of Florida; abrogating the
106 | expiration of certain amendments relating to categorical
107 | funding for the operation of schools; providing for
108 | implementation of specified appropriations; providing for
109 | the incorporation by reference of certain calculations
110 | used by the Legislature for the 2009-2010 fiscal year;
111 | providing for retroactive operation of specified
112 | provisions of the act; providing an effective date.

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

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

1001.20 Department under direction of state board.--

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

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

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

140 1001.271 Florida Information Resource Network.--Upon
 141 requisition by school districts, community colleges,
 142 universities, or other eligible users of the Florida Information
 143 Resource Network, the Commissioner of Education shall purchase
 144 the nondiscounted portion of Internet access services,
 145 including, but not limited to, circuits, encryption, content
 146 filtering, support, and any other services needed for the
 147 effective and efficient operation of the network. Each user
 148 shall identify in its requisition the source of funds from which
 149 the commissioner is to make payments.

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

152 1001.28 Distance learning duties.--The duties of the
 153 Department of Education concerning distance learning include,
 154 but are not limited to, the duty to:

155 (2) Coordinate the use of existing resources, including,
 156 but not limited to, the state's satellite transponders ~~on the~~
 157 ~~education satellites, the SUNCOM Network,~~ the Florida
 158 Information Resource Network (FIRN), and the Florida Knowledge
 159 Network ~~the Department of Management Services, the Department of~~
 160 ~~Corrections, and the Department of Children and Family Services'~~
 161 ~~satellite communication facilities to support a statewide~~
 162 ~~advanced telecommunications services and distance learning~~
 163 initiatives network.

164
 165 Nothing in this section shall be construed to abrogate,
 166 supersede, alter, or amend the powers and duties of any state
 167 agency, district school board, community college board of

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168 trustees, university board of trustees, the Board of Governors,
 169 or the State Board of Education.

170 Section 4. Subsection (3) is added to section 1001.395,
 171 Florida Statutes, as amended by chapter 2009-3, Laws of Florida,
 172 to read:

173 1001.395 District school board members; compensation.--

174 (3) Notwithstanding the provisions of this section and s.
 175 145.19, for the 2009-2010 fiscal year, the salary of each
 176 district school board member shall be the amount calculated
 177 pursuant to subsection (1) or the salary of members of the
 178 Legislature, pursuant to s. 11.13 or any other law, whichever is
 179 less.

180 Section 5. Paragraph (a) of subsection (12) and subsection
 181 (25) of section 1001.42, Florida Statutes, as amended by chapter
 182 2009-3, Laws of Florida, are amended to read:

183 1001.42 Powers and duties of district school board.--The
 184 district school board, acting as a board, shall exercise all
 185 powers and perform all duties listed below:

186 (12) FINANCE.--Take steps to assure students adequate
 187 educational facilities through the financial procedure
 188 authorized in chapters 1010 and 1011 and as prescribed below:

189 (a) Provide for all schools to operate ~~at least~~ 180
 190 days.--Provide for the operation of all public schools, both
 191 elementary and secondary, as free schools for a term of ~~at least~~
 192 180 days or the equivalent on an hourly basis as specified by
 193 rules of the State Board of Education; determine district school
 194 funds necessary in addition to state funds to operate all
 195 schools for such minimum term; and arrange for the levying of

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196 district school taxes necessary to provide the amount needed
 197 from district sources.

198 (25) EMPLOYMENT CONTRACTS.--~~On or after February 1, 2009,~~
 199 A district school board may not enter into an employment
 200 contract ~~that is funded from state funds and~~ that requires the
 201 district to pay from state funds an employee an amount in excess
 202 of 1 year of the employee's annual salary for termination, buy-
 203 out, or any other type of contract settlement. This subsection
 204 does not prohibit the payment of earned leave and benefits in
 205 accordance with the district's leave and benefits policies which
 206 are accrued by the employee before the contract terminates.

207 Section 6. Paragraph (c) of subsection (2) of section
 208 1001.451, Florida Statutes, is amended to read:

209 1001.451 Regional consortium service organizations.--In
 210 order to provide a full range of programs to larger numbers of
 211 students, minimize duplication of services, and encourage the
 212 development of new programs and services:

213 (2)

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

220 Section 7. Subsections (6) and (7) are added to section
 221 1001.47, Florida Statutes, to read:

222 1001.47 District school superintendent; salary.--

223 (6) Notwithstanding the provisions of this section and s.
 224 145.19, elected district school superintendents may reduce their
 225 salary rates on a voluntary basis.

226 (7) Notwithstanding the provisions of this section and s.
 227 145.19, for the 2009-2010 fiscal year, the salary of each
 228 elected district school superintendent calculated pursuant to
 229 this section shall be reduced by 5 percent.

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

234 1001.50 Superintendents employed under Art. IX of the
 235 State Constitution.--

236 (2) The district school board of each of such districts
 237 shall enter into contracts of employment with the district
 238 school superintendent and shall adopt rules relating to his or
 239 her appointment; however, ~~on or after February 1, 2009,~~ the
 240 district school board may not enter into an employment contract
 241 ~~that is funded from state funds and that requires the district~~
 242 ~~to pay from state funds~~ a superintendent an amount in excess of
 243 1 year of the superintendent's annual salary for termination,
 244 buy-out, or any other type of contract settlement. This
 245 subsection does not prohibit the payment of earned leave and
 246 benefits in accordance with the district's leave and benefits
 247 policies which are accrued by the superintendent before the
 248 contract terminates.

249 (5) Notwithstanding any other law, resolution, or rule to
 250 the contrary, a district school superintendent employed under

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251 this section may not receive more than \$225,000 in remuneration
252 annually from state funds. "Remuneration" means salary, bonuses,
253 and cash-equivalent compensation paid to a district school
254 superintendent by his or her employer for work performed,
255 excluding health insurance benefits and retirement benefits.
256 Only compensation, as defined in s. 121.021(22), that is
257 provided to a superintendent may be used in calculating benefits
258 under chapter 121.

259 (6) District school boards and district school
260 superintendents employed pursuant to this section are encouraged
261 to review the superintendent's annual remuneration for the 2009-
262 2010 fiscal year and mutually agree to a reduction of at least 5
263 percent.

264 Section 9. Paragraph (c) of subsection (1) of section
265 1002.43, Florida Statutes, is amended to read:

266 1002.43 Private tutoring programs.--

267 (1) Regular school attendance as defined in s. 1003.01(13)
268 may be achieved by attendance in a private tutoring program if
269 the person tutoring the student meets the following
270 requirements:

271 (c) Requires students to be in actual attendance for the
272 ~~minimum~~ length of time prescribed by s. 1011.60(2).

273 Section 10. Paragraph (g) of subsection (3) of section
274 1002.37, Florida Statutes, is amended to read:

275 1002.37 The Florida Virtual School.--

276 (3) Funding for the Florida Virtual School shall be
277 provided as follows:

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278 (g) The Florida Virtual School shall receive additional
279 state funds as may be provided in the General Appropriations
280 Act; however, such funds may not be provided for the purpose of
281 fulfilling the class size requirements in ss. 1003.03 and
282 1011.685.

283 Section 11. Subsections (1), (2), (7), and (12) of section
284 1002.45, Florida Statutes, are amended to read:

285 1002.45 School district virtual instruction programs.--

286 (1) PROGRAM.--

287 (a) Beginning with the 2009-2010 school year, each school
288 district may ~~shall~~ provide eligible students within its
289 boundaries the option of participating in a virtual instruction
290 program. The purpose of the program is to make instruction
291 available to students using online and distance learning
292 technology in the nontraditional classroom. The program shall be
293 ~~provide virtual instruction to~~ full-time for students enrolled
294 in ~~full-time virtual courses in~~ kindergarten through grade 8 and
295 ~~or in~~ full-time or part-time for students enrolled ~~virtual~~
296 ~~courses~~ in grades 9 through 12 as authorized in paragraph
297 (7) (c).

298 (b) Each school district's virtual instruction program may
299 consist of one or more schools that are operated by the district
300 or by contracted providers approved by the Department of
301 Education under subsection (2). School districts may participate
302 in multidistrict contractual arrangements, which may include
303 contracts executed by a regional consortium for its member
304 districts, to provide such programs.

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305 (c) If a student was enrolled in a K-8 Virtual School
306 Program under s. 1002.415 for the 2008-2009 school year and the
307 student resides in a school district that does not offer a
308 virtual instruction program, the school district must provide
309 the student access to a virtual instruction program. ~~A charter~~
310 ~~school may enter into a joint agreement with the school district~~
311 ~~in which it is located for the charter school's students to~~
312 ~~participate in an approved district virtual instruction program.~~

313 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
314 and annually thereafter, the department shall provide school
315 districts with a list of providers approved to offer virtual
316 instruction. To be approved by the department, a contract
317 provider must annually document that it:

318 (a) Is nonsectarian in its programs, admission policies,
319 employment practices, and operations;

320 (b) Complies with the antidiscrimination provisions of s.
321 1000.05;

322 (c) Locates an administrative office or offices in this
323 state, requires its administrative staff to be state residents,
324 and requires all instructional staff members to be Florida-
325 certified teachers;

326 (d) Possesses prior, successful experience offering online
327 courses to elementary, middle, or high school students;

328 (e) Utilizes an instructional model that relies on the
329 parent or instructional coach to provide no more than 15
330 ~~certified teachers, not parents, to provide at least 85 percent~~
331 of the instruction to the student;

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332 (f) Is accredited by the Southern Association of Colleges
 333 and Schools Council on Accreditation and School Improvement, the
 334 North Central Association Commission on Accreditation and School
 335 Improvement, the Middle States Association of Colleges and
 336 Schools Commission on Elementary Schools and Commission on
 337 Secondary Schools, the New England Association of Schools and
 338 Colleges, the Northwest Association of Accredited Schools, or
 339 the Western Association of Schools and Colleges ~~the Commission~~
 340 ~~on Colleges of the Southern Association of Colleges and Schools,~~
 341 ~~the Middle States Association of Colleges and Schools, the North~~
 342 ~~Central Association of Colleges and Schools, or the New England~~
 343 ~~Association of Colleges and Schools; and~~

344 (g) Complies with all requirements under this section.

345
 346 Notwithstanding this subsection, approved providers of virtual
 347 instruction shall include the Florida Virtual School established
 348 under s. 1002.37 ~~and providers that operate under s. 1002.415.~~

349 (7) FUNDING.--

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

353 (b) The school district shall report full-time equivalent
 354 students for the school district virtual instruction program ~~and~~
 355 ~~for a charter school's students who participate under paragraph~~
 356 ~~(1)(e)~~ to the department only in a manner prescribed by the
 357 department, and funding shall be provided through the Florida
 358 Education Finance Program.

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

364 (12) RULES.--The State Board of Education shall adopt
 365 rules necessary to administer this section, including rules that
 366 prescribe school district ~~and charter school~~ reporting
 367 requirements.

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

371 1002.71 Funding; financial and attendance reporting.--

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

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

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

395 (6)

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

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

409 2. At a maximum, 20 percent of the total payment for each
410 student made to a private kindergarten provider or public school
411 may be for hours a student is absent. ~~A student who does not~~
412 ~~meet the minimum requirement may be reported only as a~~

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413 ~~fractional part of a full-time equivalent student, reduced pro~~
414 ~~rata based on the student's attendance.~~

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

422

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

427 Section 13. Paragraph (g) of subsection (1) of section
428 1003.02, Florida Statutes, is amended to read:

429 1003.02 District school board operation and control of
430 public K-12 education within the school district.--As provided
431 in part II of chapter 1001, district school boards are
432 constitutionally and statutorily charged with the operation and
433 control of public K-12 education within their school district.
434 The district school boards must establish, organize, and operate
435 their public K-12 schools and educational programs, employees,
436 and facilities. Their responsibilities include staff
437 development, public K-12 school student education including
438 education for exceptional students and students in juvenile
439 justice programs, special programs, adult education programs,

440 and career education programs. Additionally, district school
 441 boards must:

442 (1) Provide for the proper accounting for all students of
 443 school age, for the attendance and control of students at
 444 school, and for proper attention to health, safety, and other
 445 matters relating to the welfare of students in the following
 446 fields:

447 (g) School operation.--

448 1. Provide for the operation of all public schools as free
 449 schools for a term of ~~at least~~ 180 days or the equivalent on an
 450 hourly basis as specified by rules of the State Board of
 451 Education; determine district school funds necessary in addition
 452 to state funds to operate all schools for the ~~minimum~~ term; and
 453 arrange for the levying of district school taxes necessary to
 454 provide the amount needed from district sources.

455 2. Prepare, adopt, and timely submit to the Department of
 456 Education, as required by law and by rules of the State Board of
 457 Education, the annual school budget, so as to promote the
 458 improvement of the district school system.

459 Section 14. Paragraph (b) of subsection (2) of section
 460 1003.03, Florida Statutes, is amended to read:

461 1003.03 Maximum class size.--

462 (2) IMPLEMENTATION.--

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

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

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

471 3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the
 472 calculation for compliance shall be at the individual classroom
 473 level.

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

477 Section 15. Paragraph (a) of subsection (1) of section
 478 1004.55, Florida Statutes, is amended to read:

479 1004.55 Regional autism centers.--

480 (1) Seven regional autism centers are established to
 481 provide nonresidential resource and training services for
 482 persons of all ages and of all levels of intellectual
 483 functioning who have autism, as defined in s. 393.063; who have
 484 a pervasive developmental disorder that is not otherwise
 485 specified; who have an autistic-like disability; who have a dual
 486 sensory impairment; or who have a sensory impairment with other
 487 handicapping conditions. Each center shall be operationally and
 488 fiscally independent and shall provide services within its
 489 geographical region of the state. Service delivery shall be
 490 consistent for all centers. Each center shall coordinate
 491 services within and between state and local agencies and school
 492 districts but may not duplicate services provided by those
 493 agencies or school districts. The respective locations and
 494 service areas of the centers are:

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

500 Section 16. Paragraph (b) of subsection (5) of section
 501 1006.06, Florida Statutes, is amended to read:

502 1006.06 School food service programs.--

503 (5)

504 (b) Beginning with the 2009-2010 school year, each school
 505 district must annually set prices for breakfast meals at rates
 506 that, combined with federal reimbursements and state
 507 allocations, are sufficient to defray costs of school breakfast
 508 programs without requiring allocations from the district's
 509 operating funds, except if the district school board approves
 510 lower rates.

511 Section 17. Subsection (1) of section 1006.28, Florida
 512 Statutes, is amended to read:

513 1006.28 Duties of district school board, district school
 514 superintendent; and school principal regarding K-12
 515 instructional materials.--

516 (1) DISTRICT SCHOOL BOARD.--The district school board has
 517 the duty to provide adequate instructional materials for all
 518 students in accordance with the requirements of this part. The
 519 term "adequate instructional materials" means a sufficient
 520 number of textbooks or sets of materials that are available in
 521 bound, unbound, kit, or package form and may consist of
 522 hardbacked or softbacked textbooks, consumables, learning

523 laboratories, manipulatives, electronic media, and computer
524 courseware or software that serve ~~serve~~ as the basis for
525 instruction for each student in the core courses of mathematics,
526 language arts, social studies, science, reading, and literature,
527 except for instruction for which the school advisory council
528 approves the use of a program that does not include a textbook
529 as a major tool of instruction. The district school board has
530 the following specific duties:

531 (a) Courses of study; adoption.--Adopt courses of study
532 for use in the schools of the district.

533 (b) Textbooks.--Provide for proper requisitioning,
534 distribution, accounting, storage, care, and use of all
535 instructional materials furnished by the state and furnish such
536 other instructional materials as may be needed. The district
537 school board shall assure that instructional materials used in
538 the district are consistent with the district goals and
539 objectives and the curriculum frameworks adopted by rule of the
540 State Board of Education, as well as with the state and district
541 performance standards provided for in s. 1001.03(1).

542 (c) Other instructional materials.--Provide such other
543 teaching accessories and aids as are needed for the school
544 district's educational program.

545 (d) School library media services; establishment and
546 maintenance.--Establish and maintain a program of school library
547 media services for all public schools in the district, including
548 school library media centers, or school library media centers
549 open to the public, and, in addition such traveling or

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550 circulating libraries as may be needed for the proper operation
551 of the district school system.

552 Section 18. Subsection (4) of section 1006.40, Florida
553 Statutes, is amended to read:

554 1006.40 Use of instructional materials allocation;
555 instructional materials, library books, and reference books;
556 repair of books.--

557 (4) The funds described in subsection (3) which district
558 school boards may use to purchase materials not on the state-
559 adopted list shall be used for the purchase of instructional
560 materials or other items having intellectual content which
561 assist in the instruction of a subject or course. These items
562 may be available in bound, unbound, kit, or package form and may
563 consist of hardbacked or softbacked textbooks, replacements for
564 items which were part of previously purchased instructional
565 materials, consumables, learning laboratories, manipulatives,
566 electronic media, computer courseware or software, and other
567 commonly accepted instructional tools as prescribed by district
568 school board rule. The funds available to district school boards
569 for the purchase of materials not on the state-adopted list may
570 not be used to purchase electronic or computer hardware unless
571 ~~even if~~ such hardware is bundled with other instructional
572 materials such as textbooks, software, or other electronic
573 media, nor may such funds be used to purchase equipment or
574 supplies. However, when authorized to do so in the General
575 Appropriations Act, a school or district school board may use a
576 portion of the funds available to it for the purchase of

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577 materials not on the state-adopted list to purchase science
578 laboratory materials and supplies.

579 Section 19. Subsections (7) and (8) of section 1008.29,
580 Florida Statutes, are amended to read:

581 1008.29 College-level communication and mathematics skills
582 examination (CLAST).--

583 (7) The State Board of Education shall collaborate with
584 the Board of Governors to establish rules instituting uniform
585 fees for all students, including private postsecondary students,
586 who take the CLAST. The fees shall be sufficient to cover the
587 actual cost of developing and administering the examination, ~~by~~
588 ~~rule, shall establish fees for the administration of the~~
589 ~~examination to private postsecondary students.~~

590 (8) ~~(a) The State Board of Education, by rule, shall~~
591 ~~establish fees for the administration of the examination by~~
592 ~~community colleges at times other than regularly scheduled dates~~
593 ~~to accommodate examinees who are unable to be tested on those~~
594 ~~dates. The state board shall establish the conditions under~~
595 ~~which examinees may be admitted to the special administrations.~~

596 ~~(b)~~ The Board of Governors may establish fees for the
597 administration of the examination by state universities at times
598 other than regularly scheduled dates to accommodate examinees
599 who are unable to be tested on those dates. The Board of
600 Governors may establish the conditions under which examinees may
601 be admitted to the special administrations.

602 Section 20. Paragraph (c) of subsection (1) of section
603 1008.41, Florida Statutes, is amended to read:

604 1008.41 Workforce education; management information
 605 system.--

606 (1) The Commissioner of Education shall coordinate uniform
 607 program structures, common definitions, and uniform management
 608 information systems for workforce education for all divisions
 609 within the department. In performing these functions, the
 610 commissioner shall designate deadlines after which data elements
 611 may not be changed for the coming fiscal or school year. School
 612 districts and community colleges shall be notified of data
 613 element changes at least 90 days prior to the start of the
 614 subsequent fiscal or school year. Such systems must provide for:

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

619 Section 21. Section 1010.11, Florida Statutes, is amended
 620 to read:

621 1010.11 Electronic transfer of funds.--Pursuant to the
 622 provisions of s. 215.85, each district school board, community
 623 college board of trustees, and university board of trustees
 624 shall adopt written policies prescribing the accounting and
 625 control procedures under which any funds under their control are
 626 allowed to be moved by electronic transaction for any purpose
 627 including direct deposit, wire transfer, withdrawal, ~~or~~
 628 investment, or payment. Electronic transactions shall comply
 629 with the provisions of chapter 668.

630 Section 22. Subsection (4) of section 1011.18, Florida
 631 Statutes, is amended to read:

632 1011.18 School depositories; payments into and withdrawals
 633 from depositories.--

634 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money drawn
 635 from any district school depository holding same as prescribed
 636 herein shall be upon a check or warrant drawn on authority of
 637 the district school board as prescribed by law. Each check or
 638 warrant shall be signed by the chair or, in his or her absence,
 639 the vice chair of the district school board and countersigned by
 640 the district school superintendent, with corporate seal of the
 641 school board affixed. However, as a matter of convenience, the
 642 corporate seal of the district school board may be printed upon
 643 the warrant and a proper record of such warrant shall be
 644 maintained. The district school board may by resolution, a copy
 645 of which must be delivered to the depository, provide for
 646 internal funds to be withdrawn from any district depository by a
 647 check duly signed by at least two bonded school employees
 648 designated by the board to be responsible for administering such
 649 funds. However, the district school superintendent or his or her
 650 designee, after having been by resolution specifically
 651 authorized by the district school board, may transfer funds from
 652 one depository to another, within a depository, to another
 653 institution, or from another institution to a depository for
 654 investment purposes and may transfer funds to pay expenses,
 655 expenditures, or other disbursements that must be evidenced by
 656 an invoice or other appropriate documentation in a similar
 657 manner ~~when the transfer does not represent an expenditure,~~
 658 ~~advance, or reduction of cash assets.~~ Such transfer may be made
 659 by electronic, telephonic, or other medium; and each transfer

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660 shall be confirmed in writing and signed by the district school
661 superintendent or his or her designee.

662 Section 23. Subsection (2) and paragraphs (d) and (f) of
663 subsection (3) of section 1011.60, Florida Statutes, are amended
664 to read:

665 1011.60 Minimum requirements of the Florida Education
666 Finance Program.--Each district which participates in the state
667 appropriations for the Florida Education Finance Program shall
668 provide evidence of its effort to maintain an adequate school
669 program throughout the district and shall meet at least the
670 following requirements:

671 (2) ~~MINIMUM~~ TERM.--Operate all schools for a term of ~~at~~
672 ~~least~~ 180 actual teaching days or the equivalent on an hourly
673 basis as specified by rules of the State Board of Education each
674 school year. The State Board of Education may prescribe
675 procedures for altering, and, upon written application, may
676 alter, this requirement during a national, state, or local
677 emergency as it may apply to an individual school or schools in
678 any district or districts if, in the opinion of the board, it is
679 not feasible to make up lost days or hours, and the
680 apportionment may, at the discretion of the Commissioner of
681 Education and if the board determines that the reduction of
682 school days or hours is caused by the existence of a bona fide
683 emergency, be reduced for such district or districts in
684 proportion to the decrease in the length of term in any such
685 school or schools. A strike, as defined in s. 447.203(6), by
686 employees of the school district may not be considered an
687 emergency.

688 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
 689 appointment, promotion, transfer, suspension, and dismissal of
 690 personnel.

691 (d) District school boards may authorize a maximum of six
 692 paid legal holidays which shall apply to the 196 days of service
 693 or the equivalent on an hourly basis.

694 (f) Such rules must require 12 calendar months of service
 695 for such principals as prescribed by rules of the State Board of
 696 Education and must require 10 months to include not less than
 697 196 days of service or the equivalent on an hourly basis,
 698 excluding Sundays and other holidays, for all members of the
 699 instructional staff, with any such service on a 12-month basis
 700 to include reasonable allowance for vacation or further study as
 701 prescribed by the school board in accordance with rules of the
 702 State Board of Education.

703 Section 24. Paragraph (c) of subsection (1) of section
 704 1011.61, Florida Statutes, is amended to read:

705 1011.61 Definitions.--Notwithstanding the provisions of s.
 706 1000.21, the following terms are defined as follows for the
 707 purposes of the Florida Education Finance Program:

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

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

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

714 b. A combination of full-time or part-time students in any
 715 one of the programs listed in s. 1011.62(1)(c) which is the

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716 equivalent of one full-time student based on the following
717 calculations:

718 (I) A full-time student, except a postsecondary or adult
719 student or a senior high school student enrolled in adult
720 education when such courses are required for high school
721 graduation, in a combination of programs listed in s.
722 1011.62(1)(c) shall be a fraction of a full-time equivalent
723 membership in each special program equal to the number of net
724 hours per school year for which he or she is a member, divided
725 by the appropriate number of hours set forth in subparagraph
726 (a)1. or subparagraph (a)2. The difference between that fraction
727 or sum of fractions and the maximum value as set forth in
728 subsection (4) for each full-time student is presumed to be the
729 balance of the student's time not spent in such special
730 education programs and shall be recorded as time in the
731 appropriate basic program.

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

734 (III) A full-time equivalent student for students in
735 grades K-8 in a school district virtual instruction program as
736 provided in s. 1002.45 shall consist of a student who has
737 successfully completed a basic program listed in s.
738 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
739 level by August 31 of each year. The maximum value for funding a
740 student in a virtual instruction program is subject to
741 subsection (4).

742 (IV) A full-time equivalent student for students in grades
743 9-12 in a school district virtual instruction program as

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744 provided in s. 1002.45 shall consist of six full credit
745 completions in programs listed in s. 1011.62(1)(c)1. and 3. ~~4.~~
746 Credit completions can be a combination of either full credits
747 or half credits.

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

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

759 2. A student in membership in a program scheduled for more
760 or less than 180 school days or the equivalent on an hourly
761 basis is a fraction of a full-time equivalent membership equal
762 to the number of instructional hours in membership divided by
763 the appropriate number of hours set forth in subparagraph (a)1.;
764 however, for the purposes of this subparagraph, membership in
765 programs scheduled for more than 180 days or the equivalent on
766 an hourly basis is limited to students enrolled in juvenile
767 justice education programs, ~~and~~ the Florida Virtual School, and
768 a school district virtual instruction program.

769
770 The department shall determine and implement an equitable method
771 of equivalent funding for experimental schools and for schools

772 | operating under emergency conditions, which schools have been
 773 | approved by the department to operate for less than the minimum
 774 | school day.

775 | Section 25. Paragraphs (l) through (t) of subsection (1)
 776 | of section 1011.62, Florida Statutes, are redesignated as
 777 | paragraphs (n) through (v), respectively, and new paragraphs (l)
 778 | and (m) are added to that subsection, and paragraph (b) of
 779 | subsection (4), paragraph (b) of subsection (6), and paragraph
 780 | (a) of subsection (12) of that section are amended, to read:

781 | 1011.62 Funds for operation of schools.--If the annual
 782 | allocation from the Florida Education Finance Program to each
 783 | district for operation of schools is not determined in the
 784 | annual appropriations act or the substantive bill implementing
 785 | the annual appropriations act, it shall be determined as
 786 | follows:

787 | (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 788 | OPERATION.--The following procedure shall be followed in
 789 | determining the annual allocation to each district for
 790 | operation:

791 | (1) Study hall.--A student who is enrolled in study hall
 792 | may not be included in the calculation of full-time equivalent
 793 | student membership for funding under this section.

794 | (m) On-the-job training.--A student who participates in
 795 | on-the-job training, excluding classroom instruction, may not be
 796 | included in the calculation of full-time equivalent student
 797 | membership for funding under this section.

798 | (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
 799 | Legislature shall prescribe the aggregate required local effort

800 for all school districts collectively as an item in the General
 801 Appropriations Act for each fiscal year. The amount that each
 802 district shall provide annually toward the cost of the Florida
 803 Education Finance Program for kindergarten through grade 12
 804 programs shall be calculated as follows:

805 (b) Final calculation.--

806 1. The taxable value for school purposes certified by the
 807 Department of Revenue which is used in the fourth calculation
 808 with the annualized full-time student membership from the
 809 February student survey shall be the final taxable value used in
 810 the final calculation.

811 2. For purposes of this paragraph, the final taxable value
 812 for school purposes shall be the taxable value for school
 813 purposes on which the tax bills are computed and mailed to the
 814 taxpayers, adjusted to reflect final administrative actions of
 815 value adjustment boards and judicial decisions pursuant to
 816 chapter 194. For each county that has not submitted a revised
 817 tax roll reflecting final value adjustment board actions and
 818 final judicial decisions, the Department of Revenue shall
 819 certify ~~the most recent revision of~~ the taxable value for school
 820 purposes on which the tax bills are computed and mailed to
 821 taxpayers, adjusted by the average percentage difference, over
 822 the most recent 3 years for which the information is available,
 823 between the taxable value for school purposes on which the tax
 824 bills are computed and the taxable value for school purposes on
 825 which the tax bills are computed as adjusted to reflect final
 826 administrative actions of value adjustment board and judicial
 827 decisions pursuant to chapter 194.

828 3. The value certified under subparagraph 1. shall be the
 829 final taxable value for school purposes for that year, and no
 830 further adjustments shall be made, except those made pursuant to
 831 paragraph (12) (b).

832 (6) CATEGORICAL FUNDS.--

833 (b) If a district school board finds and declares in a
 834 resolution adopted at a regular meeting of the school board that
 835 the funds received for any of the following categorical
 836 appropriations are urgently needed to maintain school board
 837 specified academic classroom instruction, the school board may
 838 consider and approve an amendment to the school district
 839 operating budget transferring the identified amount of the
 840 categorical funds to the appropriate account for expenditure:

- 841 1. Funds for student transportation.
- 842 2. Funds for safe schools.
- 843 3. Funds for supplemental academic instruction.
- 844 4. Funds for research-based reading instruction.
- 845 5. Funds for instructional materials if all instructional
 846 material purchases have been completed for that fiscal year, but
 847 no sooner than March 1, 2010 ~~2009~~.

848 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 849 CURRENT OPERATION.--The total annual state allocation to each
 850 district for current operation for the FEFP shall be distributed
 851 periodically in the manner prescribed in the General
 852 Appropriations Act.

853 (a) The basic amount for current operation for the FEFP as
 854 determined in subsection (1), multiplied by the district cost
 855 differential factor as determined in subsection (2), plus the

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856 amounts provided for categorical components within the FEFP,
857 plus the discretionary millage compression supplement as
858 determined in subsection (5), the amount for the sparsity
859 supplement as determined in subsection (7), the decline in full-
860 time equivalent students as determined in subsection (8), the
861 research-based reading instruction allocation as determined in
862 subsection (9), the allocation for juvenile justice education
863 programs as determined in subsection (10), the quality assurance
864 guarantee as determined in subsection (11), the allocation for
865 instructional materials as determined in s. 1011.67, the
866 allocation for student transportation as determined in s.
867 1011.68, and the allocation for the Florida Teachers Lead
868 Program as determined in s. 1012.71, less the required local
869 effort as determined in subsection (4). If the funds
870 appropriated for the purpose of funding the total amount for
871 current operation as provided in this paragraph are not
872 sufficient to pay the state requirement in full, the department
873 shall prorate the available state funds to each district in the
874 following manner:

875 1. Determine the percentage of proration by dividing the
876 sum of the total amount for current operation, as provided in
877 this paragraph for all districts collectively, and the total
878 district required local effort into the sum of the state funds
879 available for current operation and the total district required
880 local effort.

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

884 3. From the product of such multiplication, subtract the
 885 required local effort of each district; and the remainder shall
 886 be the amount of state funds allocated to the district for
 887 current operation.

888 Section 26. Paragraph (b) of subsection (4) of section
 889 1011.69, Florida Statutes, is repealed.

890 Section 27. Section 1011.71, Florida Statutes, as amended
 891 by chapter 2009-3, Laws of Florida, is amended to read:

892 1011.71 District school tax.--

893 (1) If the district school tax is not provided in the
 894 General Appropriations Act or the substantive bill implementing
 895 the General Appropriations Act, each district school board
 896 desiring to participate in the state allocation of funds for
 897 current operation as prescribed by s. 1011.62(12) shall levy on
 898 the taxable value for school purposes of the district, exclusive
 899 of millage voted under the provisions of s. 9(b) or s. 12, Art.
 900 VII of the State Constitution, a millage rate not to exceed the
 901 amount certified by the commissioner as the minimum millage rate
 902 necessary to provide the district required local effort for the
 903 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
 904 required local effort millage levy, each district school board
 905 may levy a nonvoted current operating discretionary millage. The
 906 Legislature shall prescribe annually in the appropriations act
 907 the maximum amount of millage a district may levy.

908 (2) In addition to the maximum millage levy as provided in
 909 subsection (1), each school board may levy not more than 1.5
 910 ~~1.75~~ mills against the taxable value for school purposes for

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911 district schools, including charter schools at the discretion of
912 the school board, to fund:

913 (a) New construction and remodeling projects, as set forth
914 in s. 1013.64(3)(b) and (6)(b) and included in the district's
915 educational plant survey pursuant to s. 1013.31, without regard
916 to prioritization, sites and site improvement or expansion to
917 new sites, existing sites, auxiliary facilities, athletic
918 facilities, or ancillary facilities.

919 (b) Maintenance, renovation, and repair of existing school
920 plants or of leased facilities to correct deficiencies pursuant
921 to s. 1013.15(2).

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

924 (d) Effective July 1, 2008, the purchase, lease-purchase,
925 or lease of new and replacement equipment, and enterprise
926 resource software applications that are classified as capital
927 assets in accordance with definitions of the Governmental
928 Accounting Standards Board, have a useful life of at least 5
929 years, and are used to support districtwide administration or
930 state-mandated reporting requirements.

931 (e) Payments for educational facilities and sites due
932 under a lease-purchase agreement entered into by a district
933 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
934 exceeding, in the aggregate, an amount equal to three-fourths of
935 the proceeds from the millage levied by a district school board
936 pursuant to this subsection. For the 2009-2010 fiscal year, the
937 three-fourths limit is waived for lease-purchase agreements

938 entered into before June 30, 2009, by a district school board
 939 pursuant to this paragraph.

940 (f) Payment of loans approved pursuant to ss. 1011.14 and
 941 1011.15.

942 (g) Payment of costs directly related to complying with
 943 state and federal environmental statutes, rules, and regulations
 944 governing school facilities.

945 (h) Payment of costs of leasing relocatable educational
 946 facilities, of renting or leasing educational facilities and
 947 sites pursuant to s. 1013.15(2), or of renting or leasing
 948 buildings or space within existing buildings pursuant to s.
 949 1013.15(4).

950 (i) Payment of the cost of school buses when a school
 951 district contracts with a private entity to provide student
 952 transportation services if the district meets the requirements
 953 of this paragraph.

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

958 2. Each such school bus must be used for the daily
 959 transportation of public school students in the manner required
 960 by the school district.

961 3. Annual payment for each such school bus may not exceed
 962 10 percent of the purchase price of the state pool bid.

963 4. The proposed expenditure of the funds for this purpose
 964 must have been included in the district school board's notice of

965 proposed tax for school capital outlay as provided in s.
 966 200.065(10).

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

969 (k) Payment of the cost of premiums for property and
 970 casualty insurance necessary to insure school district
 971 educational and ancillary plants as required by ss.
 972 1001.42(11)(d) and 1001.51(11)(k).

973 (l) The purchase, lease-purchase, or lease of driver's
 974 education vehicles; motor vehicles used for the maintenance or
 975 operation of plants and equipment; security vehicles; or
 976 vehicles used in storing or distributing materials and
 977 equipment.

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

986 ~~(4) Effective July 1, 2008, and through June 30, 2010, a~~
 987 ~~school district may expend, subject to the provisions of s.~~
 988 ~~200.065, up to \$100 per unweighted full-time equivalent student~~
 989 ~~from the revenue generated by the millage levy authorized by~~
 990 ~~subsection (2) to fund, in addition to expenditures authorized~~
 991 ~~in paragraphs (2)(a)-(j), expenses for the following:~~

992 ~~(a) The purchase, lease purchase, or lease of driver's~~
 993 ~~education vehicles; motor vehicles used for the maintenance or~~
 994 ~~operation of plants and equipment; security vehicles; or~~
 995 ~~vehicles used in storing or distributing materials and~~
 996 ~~equipment.~~

997 ~~(b) Payment of the cost of premiums for property and~~
 998 ~~casualty insurance necessary to insure school district~~
 999 ~~educational and ancillary plants. Operating revenues that are~~
 1000 ~~made available through the payment of property and casualty~~
 1001 ~~insurance premiums from revenues generated under this subsection~~
 1002 ~~may be expended only for nonrecurring operational expenditures~~
 1003 ~~of the school district.~~

1004 ~~(4)-(5)~~ Violations of the expenditure provisions in
 1005 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar
 1006 reduction in the Florida Education Finance Program (FEFP) funds
 1007 for the violating district in the fiscal year following the
 1008 audit citation. If the Commissioner of Education determines that
 1009 a school district acted in good faith, he or she may waive the
 1010 equal dollar reduction for audit findings for the 2006-2007 or
 1011 2007-2008 fiscal year that were related to the purchase of
 1012 software.

1013 ~~(5)-(6)~~ These taxes shall be certified, assessed, and
 1014 collected as prescribed in s. 1011.04 and shall be expended as
 1015 provided by law.

1016 ~~(6)-(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
 1017 construed to increase the maximum school millage levies as
 1018 provided for in subsection (1).

1019 ~~(7)-(8)~~ In addition to the maximum millage levied under
 1020 this section and the General Appropriations Act, a school
 1021 district may levy, by local referendum or in a general election,
 1022 additional millage for school operational purposes up to an
 1023 amount that, when combined with nonvoted millage levied under
 1024 this section, does not exceed the 10-mill limit established in
 1025 s. 9(b), Art. VII of the State Constitution. Any such levy shall
 1026 be for a maximum of 4 years and shall be counted as part of the
 1027 10-mill limit established in s. 9(b), Art. VII of the State
 1028 Constitution. Millage elections conducted under the authority
 1029 granted pursuant to this section are subject to s. 1011.73.
 1030 Funds generated by such additional millage do not become a part
 1031 of the calculation of the Florida Education Finance Program
 1032 total potential funds in 2001-2002 or any subsequent year and
 1033 must not be incorporated in the calculation of any hold-harmless
 1034 or other component of the Florida Education Finance Program
 1035 formula in any year. If an increase in required local effort,
 1036 when added to existing millage levied under the 10-mill limit,
 1037 would result in a combined millage in excess of the 10-mill
 1038 limit, any millage levied pursuant to this subsection shall be
 1039 considered to be required local effort to the extent that the
 1040 district millage would otherwise exceed the 10-mill limit.

1041 (8) Notwithstanding subsection (2), for the 2009-2010
 1042 fiscal year, if the revenue from 1.5 mills is insufficient to
 1043 meet the payments due under a lease-purchase agreement entered
 1044 into before June 30, 2009, by a district school board pursuant
 1045 to paragraph (2) (e), or to meet other critical district fixed
 1046 capital outlay needs, the board, in addition to the 1.5 mills,

1047 may levy up to 0.25 mills for fixed capital outlay in lieu of
 1048 levying an equivalent amount of the discretionary mills for
 1049 operations as provided in the General Appropriations Act for
 1050 2009-2010. Millage levied pursuant to this subsection is subject
 1051 to the provisions of s. 200.065 and, combined with the 1.5 mills
 1052 authorized in subsection (2), may not exceed 1.75 mills. If the
 1053 district chooses to use up to 0.25 mills for fixed capital
 1054 outlay, the discretionary millage compression supplement
 1055 pursuant to s. 1011.62(5) shall be calculated for the standard
 1056 discretionary millage that is not eligible for transfer to
 1057 capital outlay.

1058 Section 28. Subsection (2) of section 1011.73, Florida
 1059 Statutes, is amended to read:

1060 1011.73 District millage elections.--

1061 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
 1062 district school board, pursuant to resolution adopted at a
 1063 regular meeting, shall direct the county commissioners to call
 1064 an election at which the electors within the school district may
 1065 approve an ad valorem tax millage as authorized under s.
 1066 1011.71(7)~~(8)~~. Such election may be held at any time, except
 1067 that not more than one such election shall be held during any
 1068 12-month period. Any millage so authorized shall be levied for a
 1069 period not in excess of 4 years or until changed by another
 1070 millage election, whichever is earlier. If any such election is
 1071 invalidated by a court of competent jurisdiction, such
 1072 invalidated election shall be considered not to have been held.

1073 Section 29. Paragraph (g) of subsection (3) of section
 1074 1012.33, Florida Statutes, is amended to read:

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1075 1012.33 Contracts with instructional staff, supervisors,
 1076 and school principals.--

1077 (3)

1078 (g) For contracts in the 2009-2010 or 2010-2011 fiscal
 1079 year, the period of service provided in this section may be
 1080 extended by 1 year for an annual contract employee in the
 1081 district who has at least 3 years of service when prescribed by
 1082 the district school board based upon extraordinary financial
 1083 circumstances in the district. Beginning July 1, 2001, for each
 1084 employee who enters into a written contract, pursuant to this
 1085 section, in a school district in which the employee was not
 1086 employed as of June 30, 2001, or was employed as of June 30,
 1087 2001, but has since broken employment with that district for 1
 1088 school year or more, for purposes of pay, a district school
 1089 board must recognize and accept each year of full-time public
 1090 school teaching service earned in the State of Florida or
 1091 outside the state and for which the employee received a
 1092 satisfactory performance evaluation. Instructional personnel
 1093 employed pursuant to s. 121.091(9)(b)3. are exempt from the
 1094 provisions of this paragraph.

1095 Section 30. Subsection (1) of section 1012.59, Florida
 1096 Statutes, is amended to read:

1097 1012.59 Certification fees.--

1098 (1) The State Board of Education, by rule, shall establish
 1099 separate fees for applications, examinations, certification,
 1100 certification renewal, late renewal, recordmaking, and
 1101 recordkeeping, and may establish procedures for scheduling and
 1102 administering an examination upon an applicant's request. Each

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1103 fee shall be based on department estimates of the revenue
1104 required to implement the provisions of law with respect to
1105 certification of school personnel. The application fee shall be
1106 nonrefundable. Each examination fee shall be sufficient to cover
1107 the actual cost of developing and administering the examination,
1108 ~~but shall not exceed \$100 for an examination.~~

1109 Section 31. Subsection (6) is added to section 1012.71,
1110 Florida Statutes, to read:

1111 1012.71 The Florida Teachers Lead Program.--

1112 (6) For the 2009-2010 fiscal year, the Department of
1113 Education is authorized to conduct a pilot program to determine
1114 the feasibility of managing the Florida Teachers Lead Program
1115 through a centralized electronic system. The pilot program
1116 system must:

1117 (a) Be established through a competitive procurement
1118 process.

1119 (b) Provide the capability for participating teachers to
1120 make purchases from online sources.

1121 (c) Provide the capability for participating teachers to
1122 make purchases from local vendors by means other than online
1123 purchasing.

1124 (d) Generally comply with the provisions of this section.

1125 (e) Be subject to annual auditing requirements to ensure
1126 accountability for funds received and disbursed.

1127 (f) Provide for the return of funds not used on an annual
1128 basis to the state.

1129

1130 Participation by a school district in this pilot program shall
 1131 be on a voluntary basis. The department may limit the number of
 1132 participating districts to the number it deems feasible to
 1133 adequately measure the viability of the pilot program. The
 1134 department is not required to implement this pilot program if it
 1135 determines the number of school districts willing to participate
 1136 is insufficient to adequately measure the viability of the pilot
 1137 program.

1138 Section 32. Paragraph (a) of subsection (2) of section
 1139 1012.72, Florida Statutes, is amended, and subsection (4) is
 1140 added to that section, to read:

1141 1012.72 Dale Hickam Excellent Teaching Program.--

1142 (2) The Dale Hickam Excellent Teaching Program is created
 1143 to provide categorical funding for bonuses for teaching
 1144 excellence. The bonuses may be provided for initial
 1145 certification for up to one 10-year period. The Department of
 1146 Education shall distribute to each school district an amount as
 1147 prescribed annually by the Legislature for the Dale Hickam
 1148 Excellent Teaching Program. For purposes of this section, the
 1149 Florida School for the Deaf and the Blind shall be considered a
 1150 school district. Unless otherwise provided in the General
 1151 Appropriations Act, each distribution shall be the sum of the
 1152 amounts earned for the following:

1153 (a) An annual bonus equal to 10 percent of the prior
 1154 fiscal year's statewide average salary for classroom teachers to
 1155 be distributed to the school district to be paid to each
 1156 individual classroom teacher who holds NBPTS certification and
 1157 is employed by the district school board or by a public school

1158 within the school district. For a classroom teacher who attains
 1159 NBPTS certification after July 1, 2009, in order to be eligible
 1160 for a bonus, the individual shall teach in a low-performing
 1161 school as determined by the State Board of Education. The
 1162 district school board shall distribute the annual bonus to each
 1163 individual who meets the requirements of this paragraph and who
 1164 is certified annually by the district to have demonstrated
 1165 satisfactory teaching performance pursuant to s. 1012.34. The
 1166 annual bonus may be paid as a single payment or divided into not
 1167 more than three payments.

1168 (4) The State Board of Education may adopt rules to
 1169 administer the provisions for payment of the bonuses and to
 1170 establish definitions of low-performing schools and determine
 1171 the eligibility of teachers.

1172 Section 33. Paragraphs (f), (g), and (h) are added to
 1173 subsection (2) of section 1013.62, Florida Statutes, to read:

1174 1013.62 Charter schools capital outlay funding.--

1175 (2) A charter school's governing body may use charter
 1176 school capital outlay funds for the following purposes:

1177 (f) Effective July 1, 2008, purchase, lease-purchase, or
 1178 lease of new and replacement equipment, and enterprise resource
 1179 software applications that are classified as capital assets in
 1180 accordance with definitions of the Governmental Accounting
 1181 Standards Board, have a useful life of at least 5 years, and are
 1182 used to support schoolwide administration or state-mandated
 1183 reporting requirements.

1184 (g) Payment of the cost of premiums for property and
 1185 casualty insurance necessary to insure the school facilities.

1186 (h) Purchase, lease-purchase, or lease of driver's
 1187 education vehicles; motor vehicles used for the maintenance or
 1188 operation of plants and equipment; security vehicles; or
 1189 vehicles used in storing or distributing materials and
 1190 equipment.

1191
 1192 Conversion charter schools may use capital outlay funds received
 1193 through the reduction in the administrative fee provided in s.
 1194 1002.33(20) for renovation, repair, and maintenance of school
 1195 facilities that are owned by the sponsor.

1196 Section 34. Paragraph (b) of subsection (6) of section
 1197 1013.64, Florida Statutes, as amended by chapter 2009-3, Laws of
 1198 Florida, is amended, and subsection (7) is added to that
 1199 section, to read:

1200 1013.64 Funds for comprehensive educational plant needs;
 1201 construction cost maximums for school district capital
 1202 projects.--Allocations from the Public Education Capital Outlay
 1203 and Debt Service Trust Fund to the various boards for capital
 1204 outlay projects shall be determined as follows:

1205 (6)

1206 (b)1. A district school board, including a district school
 1207 board of an academic performance-based charter school district,
 1208 must not use funds from the following sources: Public Education
 1209 Capital Outlay and Debt Service Trust Fund; School District and
 1210 Community College District Capital Outlay and Debt Service Trust
 1211 Fund; Classrooms First Program funds provided in s. 1013.68;
 1212 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
 1213 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.

1214 1011.71(2); Classrooms for Kids Program funds provided in s.
 1215 1013.735; District Effort Recognition Program funds provided in
 1216 s. 1013.736; or High Growth District Capital Outlay Assistance
 1217 Grant Program funds provided in s. 1013.738 for any new
 1218 construction of educational plant space with a total cost per
 1219 student station, including change orders, that equals more than:
 1220 a. \$17,952 for an elementary school,
 1221 b. \$19,386 for a middle school, or
 1222 c. \$25,181 for a high school,
 1223

1224 (January 2006) as adjusted annually to reflect increases or
 1225 decreases in the Consumer Price Index.

1226 2. A district school board must not use funds from the
 1227 Public Education Capital Outlay and Debt Service Trust Fund or
 1228 the School District and Community College District Capital
 1229 Outlay and Debt Service Trust Fund for any new construction of
 1230 an ancillary plant that exceeds 70 percent of the average cost
 1231 per square foot of new construction for all schools.

1232 (7) Notwithstanding subsection (2), the district school
 1233 board of Wakulla County shall contribute 1 mill in the 2009-2010
 1234 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the
 1235 cost of currently funded special facilities construction
 1236 projects. The district school board of Liberty County shall
 1237 contribute 1 mill for each of the fiscal years from the 2009-
 1238 2010 fiscal year through the 2011-2012 fiscal year to the cost
 1239 of currently funded special facilities construction projects. If
 1240 funds are made available in the General Appropriations Act for
 1241 the 2009-2010 fiscal year for the district school board of

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1242 Calhoun County from the Special Facility Construction Account,
1243 the district school board of Calhoun County shall contribute
1244 1.125 mills for each of the fiscal years from the 2009-2010
1245 fiscal year through the 2012-2013 fiscal year to the cost of
1246 currently funded special facilities construction projects.

1247 Section 35. Section 9 of chapter 2008-142, Laws of
1248 Florida, is repealed.

1249 Section 36. In order to implement Specific Appropriations
1250 6, 7, 76, and 77 of the General Appropriations Act for the 2009-
1251 2010 fiscal year, the calculations of the Florida Education
1252 Finance Program for the 2009-2010 fiscal year in the document
1253 entitled "Public School Funding - The Florida Education Finance
1254 Program," dated April X, 2009, and filed with the Clerk of the
1255 House of Representatives, are incorporated by reference for the
1256 purpose of displaying the calculations used by the Legislature,
1257 consistent with requirements of the Florida Statutes, in making
1258 appropriations and reductions in appropriations for the Florida
1259 Education Finance Program.

1260 Section 37. This act shall take effect July 1, 2009;
1261 however, the provisions of s. 1011.71, Florida Statutes, as
1262 amended by this act, shall operate retroactively to July 1,
1263 2008.