

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 provider and
36 | accountability requirements for such programs; revising
37 | marketing provisions; deleting obsolete provisions;
38 | amending s. 1002.71, F.S.; revising provisions relating to
39 | the funding of prekindergarten programs; revising
40 | requirements for the Voluntary Prekindergarten Education
41 | Program attendance policy; amending s. 1003.02, F.S.;
42 | providing for the operation of schools for a term of 180
43 | days or the equivalent on an hourly basis; amending s.
44 | 1003.03, F.S.; extending dates relating to the calculation
45 | of the number of students for purposes of complying with
46 | the class size requirements; amending s. 1004.55, F.S.;
47 | revising provisions relating to the location and service
48 | area of a regional autism center; amending s. 1006.06,
49 | F.S.; revising provisions relating to school breakfast
50 | programs to include state allocations; amending s.
51 | 1006.28, F.S.; clarifying the definition of the term
52 | "adequate instructional materials"; amending s. 1006.40,
53 | F.S.; revising provisions relating to the purchase of
54 | instructional materials; amending s. 1008.29, F.S.;
55 | revising provisions relating to the establishment of fees
56 | for the College-level communications and mathematics

57 | skills examination; amending s. 1008.41, F.S.; authorizing
58 | rather than requiring the commissioner to employ the
59 | Florida Information Resource Network for workforce
60 | education data management; amending s. 1010.11, F.S.;
61 | providing for the electronic transfer of funds for certain
62 | payments; amending s. 1011.18, F.S.; providing for the
63 | transfer of funds from depositories for certain payments;
64 | amending s. 1011.60, F.S.; revising the minimum
65 | requirements for the Florida Education Finance Program
66 | relating to the term of operation; providing for 196 days
67 | of service or the equivalent on an hourly basis for
68 | certain school district personnel; amending s. 1011.61,
69 | F.S.; redefining the term "full-time equivalent student";
70 | amending s. 1011.62, F.S.; requiring that a student who is
71 | enrolled in study hall or participates in on-the-job
72 | training may not be included in the calculation of full-
73 | time equivalent student membership for funding purposes;
74 | revising provisions relating to the final calculation of
75 | taxable value for purposes of required local effort;
76 | extending a date relating to categorical funds for
77 | instructional materials; revising the calculation for the
78 | total allocation of state funds to districts for current
79 | operations; repealing s. 1011.69(4)(b), F.S., relating to
80 | funds excluded from allocations under the Equity in
81 | School-Level Funding Act; amending s. 1011.71, F.S.;
82 | reducing the authorized millage levy for capital
83 | improvement; revising provisions that authorize the
84 | expenditure of such millage; waiving the limit for

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

113 providing for retroactive operation of specified
 114 provisions of the act; providing an effective date.

115

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

117

118 Section 1. Paragraph (a) of subsection (4) of section
 119 1001.20, Florida Statutes, is amended to read:

120 1001.20 Department under direction of state board.--

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

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

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

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

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

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

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

166

167 Nothing in this section shall be construed to abrogate,
 168 supersede, alter, or amend the powers and duties of any state
 169 agency, district school board, community college board of
 170 trustees, university board of trustees, the Board of Governors,
 171 or the State Board of Education.

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

175 1001.395 District school board members; compensation.--

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

182 Section 5. Paragraph (a) of subsection (12) and subsection
 183 (25) of section 1001.42, Florida Statutes, as amended by chapter
 184 2009-3, Laws of Florida, are amended to read:

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

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

191 (a) Provide for all schools to operate ~~at least~~ 180
 192 days.--Provide for the operation of all public schools, both
 193 elementary and secondary, as free schools for a term of ~~at least~~
 194 180 days or the equivalent on an hourly basis as specified by

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195 rules of the State Board of Education; determine district school
 196 funds necessary in addition to state funds to operate all
 197 schools for such minimum term; and arrange for the levying of
 198 district school taxes necessary to provide the amount needed
 199 from district sources.

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

209 Section 6. Paragraph (c) of subsection (2) of section
 210 1001.451, Florida Statutes, is amended to read:

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

215 (2)

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

222 Section 7. Subsections (6) and (7) are added to section
 223 1001.47, Florida Statutes, to read:

224 1001.47 District school superintendent; salary.--

225 (6) Notwithstanding the provisions of this section and s.
 226 145.19, elected district school superintendents may reduce their
 227 salary rates on a voluntary basis.

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

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

236 1001.50 Superintendents employed under Art. IX of the
 237 State Constitution.--

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

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249 policies which are accrued by the superintendent before the
250 contract terminates.

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

261 (6) District school boards and district school
262 superintendents employed pursuant to this section are encouraged
263 to review the superintendent's annual remuneration for the 2009-
264 2010 fiscal year and mutually agree to a reduction of at least 5
265 percent.

266 Section 9. Paragraph (c) of subsection (1) of section
267 1002.43, Florida Statutes, is amended to read:

268 1002.43 Private tutoring programs.--

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

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

275 Section 10. Paragraph (g) of subsection (3) of section
276 1002.37, Florida Statutes, is amended to read:

277 1002.37 The Florida Virtual School.--

278 (3) Funding for the Florida Virtual School shall be
279 provided as follows:

280 (g) The Florida Virtual School shall receive additional
281 state funds as may be provided in the General Appropriations
282 Act; however, such funds may not be provided for the purpose of
283 fulfilling the class size requirements in ss. 1003.03 and
284 1011.685.

285 Section 11. Subsections (1), (2), (7), (8), (10), (11),
286 and (12) of section 1002.45, Florida Statutes, are amended to
287 read:

288 1002.45 School district virtual instruction programs.--

289 (1) PROGRAM.--

290 (a) Beginning with the 2009-2010 school year, each school
291 district may ~~shall~~ provide eligible students within its
292 boundaries the option of participating in a virtual instruction
293 program operated by the school district which is a program
294 separate from the Florida Virtual School under s. 1002.37. The
295 purpose of the program is to make instruction available to
296 students using online and distance learning technology in the
297 nontraditional classroom and to provide an exit option for
298 students authorized to participate under paragraph (7)(c). The
299 program shall be ~~provide virtual instruction to~~ full-time for
300 students enrolled in ~~full-time virtual courses in~~ kindergarten
301 through grade 8 and ~~or in~~ full-time or part-time for students
302 enrolled ~~virtual courses~~ in grades 9 through 12 as authorized in
303 paragraph (7)(c).

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304 (b) Each school district's virtual instruction program
305 shall use ~~may consist of one or more schools that are operated~~
306 ~~by the district or by~~ contracted providers approved by the
307 Department of Education under subsection (2). School districts
308 may participate in multidistrict contractual arrangements, which
309 may include contracts executed by a regional consortium for its
310 member districts, to provide such programs.

311 (c) Except as provided in paragraph (7) (c), virtual
312 instruction is instruction in which at least 80 percent of the
313 direct instruction is provided by a Florida-certified teacher
314 using some form of technology when the student and the teacher
315 are separated by time or space, or both.

316 (d) If a student was enrolled in a K-8 Virtual School
317 Program under s. 1002.415 for the 2008-2009 school year and the
318 student resides in a school district that does not offer a
319 virtual instruction program, the school district must provide
320 the student access to the virtual school program in which the
321 student was enrolled during the 2008-2009 school year.

322 ~~(e) A charter school may enter into a joint agreement with~~
323 ~~the school district in which it is located for the charter~~
324 ~~school's students to participate in an approved district virtual~~
325 ~~instruction program.~~

326 (2) PROVIDER QUALIFICATIONS. ~~--On or before March 1, 2009,~~
327 ~~and annually thereafter,~~ The department shall annually provide
328 school districts with a list of no more than two approved
329 providers for the K-8 virtual instruction program and no more
330 than two approved providers for the virtual instruction program
331 under paragraph (7) (c) providers approved to offer virtual

332 ~~instruction~~. To be approved by the department, a contract
 333 provider must annually document that it:

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

336 (b) Complies with the antidiscrimination provisions of s.
 337 1000.05;

338 (c) Locates an administrative office or offices in this
 339 state, requires its administrative staff to be state residents,
 340 and requires all instructional staff members to be Florida-
 341 certified teachers;

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

344 (e) Utilizes Florida-certified ~~an instructional model that~~
 345 ~~relies on certified teachers, not parents, to provide at least~~
 346 ~~85 percent of the instruction to the student;~~

347 (f) Requires all school employees to have background
 348 screening as required by s. 1012.32;

349 (g) Provides no more than 20 percent of instruction to the
 350 student by a parent or an instructional coach;

351 (h) ~~(f)~~ Is accredited by the Southern Association of
 352 Colleges and Schools Council on Accreditation and School
 353 Improvement, the North Central Association Commission on
 354 Accreditation and School Improvement, the Middle States
 355 Association of Colleges and Schools Commission on Elementary
 356 Schools and Commission on Secondary Schools, the New England
 357 Association of Schools and Colleges, the Northwest Association
 358 of Accredited Schools, or the Western Association of Schools and
 359 Colleges ~~the Commission on Colleges of the Southern Association~~

360 ~~of Colleges and Schools, the Middle States Association of~~
 361 ~~Colleges and Schools, the North Central Association of Colleges~~
 362 ~~and Schools, or the New England Association of Colleges and~~
 363 ~~Schools; and~~

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

365
 366 Notwithstanding this subsection, approved providers of virtual
 367 instruction shall include the Florida Virtual School established
 368 under s. 1002.37 ~~and providers that operate under s. 1002.415.~~

369 (7) FUNDING.--

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

373 (b) The school district shall report full-time equivalent
 374 students for the school district virtual instruction program ~~and~~
 375 ~~for a charter school's students who participate under paragraph~~
 376 ~~(1)(e)~~ to the department only in a manner prescribed by the
 377 department, and funding shall be provided through the Florida
 378 Education Finance Program.

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

384 (8) ASSESSMENT AND ACCOUNTABILITY.--

385 (a) ~~With the exception of the programs offered by the~~
 386 ~~Florida Virtual School under s. 1002.37,~~ Each school district K-
 387 8 virtual instruction program must:

388 ~~1.~~ participate in the statewide assessment program under
389 s. 1008.22 and in the state's education performance
390 accountability system under s. 1008.31.

391 ~~2. Receive a school grade as provided in s. 1008.34. A~~
392 ~~school district virtual instruction program shall be considered~~
393 ~~a school under s. 1008.34 for purposes of this section,~~
394 ~~regardless of the number of individual providers participating~~
395 ~~in the district's program.~~

396 (b) The department shall aggregate by provider the
397 statewide assessment scores of the students in each school
398 district full-time K-8 virtual instruction program at the end of
399 each year and publish a statewide school grade for each
400 provider. The performance of part-time students under paragraph
401 ~~(7)(c) shall not be included for purposes of school grading~~
402 ~~under subparagraph (a)2.; however, their performance shall be~~
403 ~~included for school grading purposes by the nonvirtual school~~
404 ~~providing the student's primary instruction.~~

405 (c) A provider program that is designated with a grade of
406 "D," making less than satisfactory progress, or "F," failing to
407 make adequate progress, must file a school improvement plan with
408 the department for consultation to determine the causes for low
409 performance and to develop a plan for correction and
410 improvement.

411 (d) The school district shall terminate its program with a
412 provider, ~~including all contracts with providers for such~~
413 ~~program,~~ if the provider program receives a grade of "D," making
414 less than satisfactory progress, or "F," failing to make
415 adequate progress, for 2 years during any consecutive 4-year

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416 period. If a contract is not renewed or is terminated, the
417 contracted provider is responsible for all debts of the program
418 or school operated by the provider.

419 (e) A school district that terminates its contract with a
420 provider ~~program~~ under paragraph (d) may ~~shall~~ contract with
421 another ~~a~~ provider ~~selected and~~ approved by the department for
422 the provision of virtual instruction ~~until the school district~~
423 ~~receives approval from the department to operate a new school~~
424 ~~district virtual instruction program.~~

425 (10) MARKETING.--Any information provided by a school
426 district to parents and students regarding ~~the school district's~~
427 virtual education ~~instruction program~~ must include information
428 about ~~opportunities available at,~~ and the parent's and student's
429 right to access courses offered by the school district virtual
430 instruction program and by, the Florida Virtual School under s.
431 1002.37.

432 ~~(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION~~
433 ~~PROGRAM.--For the 2008-2009 school year, each school district in~~
434 ~~the state may offer a school district virtual instruction~~
435 ~~program to provide full-time virtual courses in kindergarten~~
436 ~~through grade 8 or to provide full-time or part-time virtual~~
437 ~~courses in grades 9 through 12 as authorized in paragraph~~
438 ~~(7) (c). Such program may be operated or contracted as provided~~
439 ~~under paragraph (1) (b) and must comply with all requirements of~~
440 ~~this section, except that contracts under this subsection may~~
441 ~~only be issued for virtual courses in kindergarten through grade~~
442 ~~8 to providers operating under s. 1002.415 or for virtual~~
443 ~~courses in grades 9 through 12 as authorized under paragraph~~

444 ~~(7)(c) to providers who contracted with a regional consortium in~~
 445 ~~the 2007-2008 school year to provide such services.~~

446 (11)~~(12)~~ RULES.--The State Board of Education shall adopt
 447 rules necessary to administer this section, including rules that
 448 prescribe school district ~~and charter school~~ reporting
 449 requirements.

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

453 1002.71 Funding; financial and attendance reporting.--

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

455 (a) A child who, for any of the prekindergarten programs
 456 listed in s. 1002.53(3), has not completed more than 70 ~~10~~
 457 percent of the hours authorized to be reported for funding under
 458 subsection (2) may withdraw from the program for good cause and~~7~~
 459 reenroll in one of the programs, ~~and be reported for funding~~
 460 ~~purposes as a full-time equivalent student in the program for~~
 461 ~~which the child is reenrolled.~~ The total funding for a child who
 462 reenrolls in one of the programs for good cause shall not exceed
 463 one full-time equivalent student. Funding for a child who
 464 withdraws and reenrolls in one of the programs for good cause
 465 shall be issued in accordance with the uniform attendance policy
 466 adopted pursuant to paragraph (6)(d).

467
 468 A child may reenroll only once in a prekindergarten program
 469 under this section. A child who reenrolls in a prekindergarten
 470 program under this subsection may not subsequently withdraw from
 471 the program and reenroll. The Agency for Workforce Innovation

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472 shall establish criteria specifying whether a good cause exists
473 for a child to withdraw from a program under paragraph (a),
474 whether a child has substantially completed a program under
475 paragraph (b), and whether an extreme hardship exists which is
476 beyond the child's or parent's control under paragraph (b).

477 (6)

478 (d) The Agency for Workforce Innovation shall adopt, for
479 funding purposes, a uniform attendance policy for the Voluntary
480 Prekindergarten Education Program. The attendance policy must
481 apply statewide and apply equally to all private prekindergarten
482 providers and public schools. The attendance policy must
483 ~~establish a minimum requirement for student attendance and~~
484 include at least the following provisions:

485 1. Beginning with the 2009-2010 fiscal year for school-
486 year programs, a student's attendance may be reported on a pro
487 rata basis as a fraction of ~~and the 2009 summer program, a~~
488 ~~student who meets the minimum requirement of 80 percent of the~~
489 ~~total number of hours for the program may be reported as a full-~~
490 ~~time equivalent student for funding purposes.~~

491 2. At a maximum, 20 percent of the total payment for each
492 student made to a private kindergarten provider or public school
493 may be for hours a student is absent. ~~A student who does not~~
494 ~~meet the minimum requirement may be reported only as a~~
495 ~~fractional part of a full-time equivalent student, reduced pro~~
496 ~~rata based on the student's attendance.~~

497 3. A private prekindergarten provider or public school may
498 not receive payment for absences that occur before a student's
499 first day of attendance or after a student's last day of

500 attendance. ~~A student who does not meet the minimum requirement~~
 501 ~~may be reported as a full-time equivalent student if the student~~
 502 ~~is absent for good cause in accordance with exceptions specified~~
 503 ~~in the uniform attendance policy.~~

504
 505 The uniform attendance policy shall be used only for funding
 506 purposes and does not prohibit a private prekindergarten
 507 provider or public school from adopting and enforcing its
 508 attendance policy under paragraphs (a) and (c).

509 Section 13. Paragraph (g) of subsection (1) of section
 510 1003.02, Florida Statutes, is amended to read:

511 1003.02 District school board operation and control of
 512 public K-12 education within the school district.--As provided
 513 in part II of chapter 1001, district school boards are
 514 constitutionally and statutorily charged with the operation and
 515 control of public K-12 education within their school district.
 516 The district school boards must establish, organize, and operate
 517 their public K-12 schools and educational programs, employees,
 518 and facilities. Their responsibilities include staff
 519 development, public K-12 school student education including
 520 education for exceptional students and students in juvenile
 521 justice programs, special programs, adult education programs,
 522 and career education programs. Additionally, district school
 523 boards must:

524 (1) Provide for the proper accounting for all students of
 525 school age, for the attendance and control of students at
 526 school, and for proper attention to health, safety, and other

527 matters relating to the welfare of students in the following
 528 fields:

529 (g) School operation.--

530 1. Provide for the operation of all public schools as free
 531 schools for a term of ~~at least~~ 180 days or the equivalent on an
 532 hourly basis as specified by rules of the State Board of
 533 Education; determine district school funds necessary in addition
 534 to state funds to operate all schools for the ~~minimum~~ term; and
 535 arrange for the levying of district school taxes necessary to
 536 provide the amount needed from district sources.

537 2. Prepare, adopt, and timely submit to the Department of
 538 Education, as required by law and by rules of the State Board of
 539 Education, the annual school budget, so as to promote the
 540 improvement of the district school system.

541 Section 14. Paragraph (b) of subsection (2) of section
 542 1003.03, Florida Statutes, is amended to read:

543 1003.03 Maximum class size.--

544 (2) IMPLEMENTATION.--

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

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

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

553 3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the
 554 calculation for compliance shall be at the individual classroom
 555 level.

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

559 Section 15. Paragraph (a) of subsection (1) of section
 560 1004.55, Florida Statutes, is amended to read:

561 1004.55 Regional autism centers.--

562 (1) Seven regional autism centers are established to
 563 provide nonresidential resource and training services for
 564 persons of all ages and of all levels of intellectual
 565 functioning who have autism, as defined in s. 393.063; who have
 566 a pervasive developmental disorder that is not otherwise
 567 specified; who have an autistic-like disability; who have a dual
 568 sensory impairment; or who have a sensory impairment with other
 569 handicapping conditions. Each center shall be operationally and
 570 fiscally independent and shall provide services within its
 571 geographical region of the state. Service delivery shall be
 572 consistent for all centers. Each center shall coordinate
 573 services within and between state and local agencies and school
 574 districts but may not duplicate services provided by those
 575 agencies or school districts. The respective locations and
 576 service areas of the centers are:

577 (a) The College of Medicine ~~Department of Communication~~
 578 ~~Disorders~~ at Florida State University, which serves Bay,
 579 Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson,

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580 Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor,
581 Wakulla, Walton, and Washington Counties.

582 Section 16. Paragraph (b) of subsection (5) of section
583 1006.06, Florida Statutes, is amended to read:

584 1006.06 School food service programs.--

585 (5)

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

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

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

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

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608 language arts, social studies, science, reading, and literature,
609 except for instruction for which the school advisory council
610 approves the use of a program that does not include a textbook
611 as a major tool of instruction. The district school board has
612 the following specific duties:

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

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

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

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

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

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636 1006.40 Use of instructional materials allocation;
637 instructional materials, library books, and reference books;
638 repair of books.--

639 (4) The funds described in subsection (3) which district
640 school boards may use to purchase materials not on the state-
641 adopted list shall be used for the purchase of instructional
642 materials or other items having intellectual content which
643 assist in the instruction of a subject or course. These items
644 may be available in bound, unbound, kit, or package form and may
645 consist of hardbacked or softbacked textbooks, replacements for
646 items which were part of previously purchased instructional
647 materials, consumables, learning laboratories, manipulatives,
648 electronic media, computer courseware or software, and other
649 commonly accepted instructional tools as prescribed by district
650 school board rule. The funds available to district school boards
651 for the purchase of materials not on the state-adopted list may
652 not be used to purchase electronic or computer hardware unless
653 ~~even if~~ such hardware is bundled with other state-adopted
654 instructional materials such as textbooks, software, or other
655 electronic media, nor may such funds be used to purchase
656 equipment or supplies. However, when authorized to do so in the
657 General Appropriations Act, a school or district school board
658 may use a portion of the funds available to it for the purchase
659 of materials not on the state-adopted list to purchase science
660 laboratory materials and supplies.

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

663 1008.29 College-level communication and mathematics skills
 664 examination (CLAST).--

665 (7) The State Board of Education shall collaborate with
 666 the Board of Governors to establish rules instituting uniform
 667 fees for all students, including private postsecondary students,
 668 who take the CLAST. The fees shall be sufficient to cover the
 669 actual cost of developing and administering the examination, ~~by~~
 670 ~~rule, shall establish fees for the administration of the~~
 671 ~~examination to private postsecondary students.~~

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

678 ~~(b)~~ The Board of Governors may establish fees for the
 679 administration of the examination by state universities at times
 680 other than regularly scheduled dates to accommodate examinees
 681 who are unable to be tested on those dates. The Board of
 682 Governors may establish the conditions under which examinees may
 683 be admitted to the special administrations.

684 Section 20. Paragraph (c) of subsection (1) of section
 685 1008.41, Florida Statutes, is amended to read:

686 1008.41 Workforce education; management information
 687 system.--

688 (1) The Commissioner of Education shall coordinate uniform
 689 program structures, common definitions, and uniform management
 690 information systems for workforce education for all divisions

691 within the department. In performing these functions, the
 692 commissioner shall designate deadlines after which data elements
 693 may not be changed for the coming fiscal or school year. School
 694 districts and community colleges shall be notified of data
 695 element changes at least 90 days prior to the start of the
 696 subsequent fiscal or school year. Such systems must provide for:

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

701 Section 21. Section 1010.11, Florida Statutes, is amended
 702 to read:

703 1010.11 Electronic transfer of funds.--Pursuant to the
 704 provisions of s. 215.85, each district school board, community
 705 college board of trustees, and university board of trustees
 706 shall adopt written policies prescribing the accounting and
 707 control procedures under which any funds under their control are
 708 allowed to be moved by electronic transaction for any purpose
 709 including direct deposit, wire transfer, withdrawal, ~~or~~
 710 investment, or payment. Electronic transactions shall comply
 711 with the provisions of chapter 668.

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

714 1011.18 School depositories; payments into and withdrawals
 715 from depositories.--

716 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money drawn
 717 from any district school depository holding same as prescribed
 718 herein shall be upon a check or warrant drawn on authority of

719 the district school board as prescribed by law. Each check or
720 warrant shall be signed by the chair or, in his or her absence,
721 the vice chair of the district school board and countersigned by
722 the district school superintendent, with corporate seal of the
723 school board affixed. However, as a matter of convenience, the
724 corporate seal of the district school board may be printed upon
725 the warrant and a proper record of such warrant shall be
726 maintained. The district school board may by resolution, a copy
727 of which must be delivered to the depository, provide for
728 internal funds to be withdrawn from any district depository by a
729 check duly signed by at least two bonded school employees
730 designated by the board to be responsible for administering such
731 funds. However, the district school superintendent or his or her
732 designee, after having been by resolution specifically
733 authorized by the district school board, may transfer funds from
734 one depository to another, within a depository, to another
735 institution, or from another institution to a depository for
736 investment purposes and may transfer funds to pay expenses,
737 expenditures, or other disbursements that must be evidenced by
738 an invoice or other appropriate documentation in a similar
739 manner ~~when the transfer does not represent an expenditure,~~
740 ~~advance, or reduction of cash assets.~~ Such transfer may be made
741 by electronic, telephonic, or other medium; and each transfer
742 shall be confirmed in writing and signed by the district school
743 superintendent or his or her designee.

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

747 1011.60 Minimum requirements of the Florida Education
748 Finance Program.--Each district which participates in the state
749 appropriations for the Florida Education Finance Program shall
750 provide evidence of its effort to maintain an adequate school
751 program throughout the district and shall meet at least the
752 following requirements:

753 (2) ~~MINIMUM~~ TERM.--Operate all schools for a term of ~~at~~
754 ~~least~~ 180 actual teaching days or the equivalent on an hourly
755 basis as specified by rules of the State Board of Education each
756 school year. The State Board of Education may prescribe
757 procedures for altering, and, upon written application, may
758 alter, this requirement during a national, state, or local
759 emergency as it may apply to an individual school or schools in
760 any district or districts if, in the opinion of the board, it is
761 not feasible to make up lost days or hours, and the
762 apportionment may, at the discretion of the Commissioner of
763 Education and if the board determines that the reduction of
764 school days or hours is caused by the existence of a bona fide
765 emergency, be reduced for such district or districts in
766 proportion to the decrease in the length of term in any such
767 school or schools. A strike, as defined in s. 447.203(6), by
768 employees of the school district may not be considered an
769 emergency.

770 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
771 appointment, promotion, transfer, suspension, and dismissal of
772 personnel.

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

776 (f) Such rules must require 12 calendar months of service
 777 for such principals as prescribed by rules of the State Board of
 778 Education and must require 10 months to include not less than
 779 196 days of service or the equivalent on an hourly basis,
 780 excluding Sundays and other holidays, for all members of the
 781 instructional staff, with any such service on a 12-month basis
 782 to include reasonable allowance for vacation or further study as
 783 prescribed by the school board in accordance with rules of the
 784 State Board of Education.

785 Section 24. Paragraph (c) of subsection (1) of section
 786 1011.61, Florida Statutes, is amended to read:

787 1011.61 Definitions.--Notwithstanding the provisions of s.
 788 1000.21, the following terms are defined as follows for the
 789 purposes of the Florida Education Finance Program:

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

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

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

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

800 (I) A full-time student, except a postsecondary or adult
 801 student or a senior high school student enrolled in adult
 802 education when such courses are required for high school
 803 graduation, in a combination of programs listed in s.
 804 1011.62(1)(c) shall be a fraction of a full-time equivalent
 805 membership in each special program equal to the number of net
 806 hours per school year for which he or she is a member, divided
 807 by the appropriate number of hours set forth in subparagraph
 808 (a)1. or subparagraph (a)2. The difference between that fraction
 809 or sum of fractions and the maximum value as set forth in
 810 subsection (4) for each full-time student is presumed to be the
 811 balance of the student's time not spent in such special
 812 education programs and shall be recorded as time in the
 813 appropriate basic program.

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

816 (III) A full-time equivalent student for students in
 817 grades K-8 in a school district virtual instruction program as
 818 provided in s. 1002.45 shall consist of a student who has
 819 successfully completed a basic program listed in s.
 820 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
 821 level by August 31 of each year. The maximum value for funding a
 822 student in a virtual instruction program is subject to
 823 subsection (4).

824 (IV) A full-time equivalent student for students in grades
 825 9-12 in a school district virtual instruction program as
 826 provided in s. 1002.45 shall consist of six full credit
 827 completions in programs listed in s. 1011.62(1)(c)1. and 3. ~~4.~~

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828 Credit completions can be a combination of either full credits
829 or half credits.

830 (V) A full-time equivalent student of the Florida Virtual
831 School or of any approved school district franchise of the
832 Florida Virtual School, as provided in s. 1002.37, full-time
833 equivalent student shall consist of six full credit completions
834 in the programs listed in s. 1011.62(1)(c)1.b. for grades 6
835 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for
836 grades 9 through 12 s. 1011.62(1)(e)1. and 4. Credit completions
837 can be a combination of either full credits or half credits. A
838 school district franchise full-time equivalent student may be
839 reported for funding up to August 31 of each year.

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

845 2. A student in membership in a program scheduled for more
846 or less than 180 school days or the equivalent on an hourly
847 basis is a fraction of a full-time equivalent membership equal
848 to the number of instructional hours in membership divided by
849 the appropriate number of hours set forth in subparagraph (a)1.;
850 however, for the purposes of this subparagraph, membership in
851 programs scheduled for more than 180 days or the equivalent on
852 an hourly basis is limited to students enrolled in juvenile
853 justice education programs, ~~and~~ the Florida Virtual School, and
854 a school district virtual instruction program.

855

856 The department shall determine and implement an equitable method
857 of equivalent funding for experimental schools and for schools
858 operating under emergency conditions, which schools have been
859 approved by the department to operate for less than the minimum
860 school day.

861 Section 25. Paragraphs (l) through (t) of subsection (1)
862 of section 1011.62, Florida Statutes, are redesignated as
863 paragraphs (n) through (v), respectively, and new paragraphs (l)
864 and (m) are added to that subsection, and paragraph (b) of
865 subsection (4), paragraph (b) of subsection (6), and paragraph
866 (a) of subsection (12) of that section are amended, to read:

867 1011.62 Funds for operation of schools.--If the annual
868 allocation from the Florida Education Finance Program to each
869 district for operation of schools is not determined in the
870 annual appropriations act or the substantive bill implementing
871 the annual appropriations act, it shall be determined as
872 follows:

873 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
874 OPERATION.--The following procedure shall be followed in
875 determining the annual allocation to each district for
876 operation:

877 (l) Study hall.--A student who is enrolled in study hall
878 may not be included in the calculation of full-time equivalent
879 student membership for funding under this section.

880 (m) On-the-job training.--A student who participates in
881 on-the-job training, excluding classroom instruction, may not be
882 included in the calculation of full-time equivalent student
883 membership for funding under this section.

884 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
 885 Legislature shall prescribe the aggregate required local effort
 886 for all school districts collectively as an item in the General
 887 Appropriations Act for each fiscal year. The amount that each
 888 district shall provide annually toward the cost of the Florida
 889 Education Finance Program for kindergarten through grade 12
 890 programs shall be calculated as follows:

891 (b) Final calculation.--

892 1. The taxable value for school purposes certified by the
 893 Department of Revenue which is used in the fourth calculation
 894 with the annualized full-time student membership from the
 895 February student survey shall be the final taxable value used in
 896 the final calculation.

897 2. For purposes of this paragraph, the final taxable value
 898 for school purposes shall be the taxable value for school
 899 purposes on which the tax bills are computed and mailed to the
 900 taxpayers, adjusted to reflect final administrative actions of
 901 value adjustment boards and judicial decisions pursuant to
 902 chapter 194. For each county that has not submitted a revised
 903 tax roll reflecting final value adjustment board actions and
 904 final judicial decisions, the Department of Revenue shall
 905 certify ~~the most recent revision of~~ the taxable value for school
 906 purposes on which the tax bills are computed and mailed to
 907 taxpayers, adjusted by the average percentage difference, over
 908 the most recent 3 years for which the information is available,
 909 between the taxable value for school purposes on which the tax
 910 bills are computed and the taxable value for school purposes on
 911 which the tax bills are computed as adjusted to reflect final

912 administrative actions of value adjustment board and judicial
 913 decisions pursuant to chapter 194.

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

918 (6) CATEGORICAL FUNDS.--

919 (b) If a district school board finds and declares in a
 920 resolution adopted at a regular meeting of the school board that
 921 the funds received for any of the following categorical
 922 appropriations are urgently needed to maintain school board
 923 specified academic classroom instruction, the school board may
 924 consider and approve an amendment to the school district
 925 operating budget transferring the identified amount of the
 926 categorical funds to the appropriate account for expenditure:

- 927 1. Funds for student transportation.
- 928 2. Funds for safe schools.
- 929 3. Funds for supplemental academic instruction.
- 930 4. Funds for research-based reading instruction.
- 931 5. Funds for instructional materials if all instructional
 932 material purchases have been completed for that fiscal year, but
 933 no sooner than March 1, 2010 ~~2009~~.

934 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 935 CURRENT OPERATION.--The total annual state allocation to each
 936 district for current operation for the FEFP shall be distributed
 937 periodically in the manner prescribed in the General
 938 Appropriations Act.

939 (a) The basic amount for current operation for the FEFP as
940 determined in subsection (1), multiplied by the district cost
941 differential factor as determined in subsection (2), plus the
942 amounts provided for categorical components within the FEFP,
943 plus the discretionary millage compression supplement as
944 determined in subsection (5), the amount for the sparsity
945 supplement as determined in subsection (7), the decline in full-
946 time equivalent students as determined in subsection (8), the
947 research-based reading instruction allocation as determined in
948 subsection (9), the allocation for juvenile justice education
949 programs as determined in subsection (10), the quality assurance
950 guarantee as determined in subsection (11), the allocation for
951 instructional materials as determined in s. 1011.67, the
952 allocation for student transportation as determined in s.
953 1011.68, and the allocation for the Florida Teachers Lead
954 Program as determined in s. 1012.71, less the required local
955 effort as determined in subsection (4). If the funds
956 appropriated for the purpose of funding the total amount for
957 current operation as provided in this paragraph are not
958 sufficient to pay the state requirement in full, the department
959 shall prorate the available state funds to each district in the
960 following manner:

961 1. Determine the percentage of proration by dividing the
962 sum of the total amount for current operation, as provided in
963 this paragraph for all districts collectively, and the total
964 district required local effort into the sum of the state funds
965 available for current operation and the total district required
966 local effort.

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

970 3. From the product of such multiplication, subtract the
 971 required local effort of each district; and the remainder shall
 972 be the amount of state funds allocated to the district for
 973 current operation.

974 Section 26. Paragraph (b) of subsection (4) of section
 975 1011.69, Florida Statutes, is repealed.

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

978 1011.71 District school tax.--

979 (1) If the district school tax is not provided in the
 980 General Appropriations Act or the substantive bill implementing
 981 the General Appropriations Act, each district school board
 982 desiring to participate in the state allocation of funds for
 983 current operation as prescribed by s. 1011.62(12) shall levy on
 984 the taxable value for school purposes of the district, exclusive
 985 of millage voted under the provisions of s. 9(b) or s. 12, Art.
 986 VII of the State Constitution, a millage rate not to exceed the
 987 amount certified by the commissioner as the minimum millage rate
 988 necessary to provide the district required local effort for the
 989 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
 990 required local effort millage levy, each district school board
 991 may levy a nonvoted current operating discretionary millage. The
 992 Legislature shall prescribe annually in the appropriations act
 993 the maximum amount of millage a district may levy.

994 (2) In addition to the maximum millage levy as provided in
 995 subsection (1), each school board may levy not more than 1.5
 996 ~~1.75~~ mills against the taxable value for school purposes for
 997 district schools, including charter schools at the discretion of
 998 the school board, to fund:

999 (a) New construction and remodeling projects, as set forth
 1000 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 1001 educational plant survey pursuant to s. 1013.31, without regard
 1002 to prioritization, sites and site improvement or expansion to
 1003 new sites, existing sites, auxiliary facilities, athletic
 1004 facilities, or ancillary facilities.

1005 (b) Maintenance, renovation, and repair of existing school
 1006 plants or of leased facilities to correct deficiencies pursuant
 1007 to s. 1013.15(2).

1008 (c) The purchase, lease-purchase, or lease of school
 1009 buses.

1010 (d) Effective July 1, 2008, the purchase, lease-purchase,
 1011 or lease of new and replacement equipment, and enterprise
 1012 resource software applications that are classified as capital
 1013 assets in accordance with definitions of the Governmental
 1014 Accounting Standards Board, have a useful life of at least 5
 1015 years, and are used to support districtwide administration or
 1016 state-mandated reporting requirements.

1017 (e) Payments for educational facilities and sites due
 1018 under a lease-purchase agreement entered into by a district
 1019 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 1020 exceeding, in the aggregate, an amount equal to three-fourths of
 1021 the proceeds from the millage levied by a district school board

1022 pursuant to this subsection. For the 2009-2010 fiscal year, the
 1023 three-fourths limit is waived for lease-purchase agreements
 1024 entered into before June 30, 2009, by a district school board
 1025 pursuant to this paragraph.

1026 (f) Payment of loans approved pursuant to ss. 1011.14 and
 1027 1011.15.

1028 (g) Payment of costs directly related to complying with
 1029 state and federal environmental statutes, rules, and regulations
 1030 governing school facilities.

1031 (h) Payment of costs of leasing relocatable educational
 1032 facilities, of renting or leasing educational facilities and
 1033 sites pursuant to s. 1013.15(2), or of renting or leasing
 1034 buildings or space within existing buildings pursuant to s.
 1035 1013.15(4).

1036 (i) Payment of the cost of school buses when a school
 1037 district contracts with a private entity to provide student
 1038 transportation services if the district meets the requirements
 1039 of this paragraph.

1040 1. The district's contract must require that the private
 1041 entity purchase, lease-purchase, or lease, and operate and
 1042 maintain, one or more school buses of a specific type and size
 1043 that meet the requirements of s. 1006.25.

1044 2. Each such school bus must be used for the daily
 1045 transportation of public school students in the manner required
 1046 by the school district.

1047 3. Annual payment for each such school bus may not exceed
 1048 10 percent of the purchase price of the state pool bid.

1049 4. The proposed expenditure of the funds for this purpose
 1050 must have been included in the district school board's notice of
 1051 proposed tax for school capital outlay as provided in s.
 1052 200.065(10).

1053 (j) Payment of the cost of the opening day collection for
 1054 the library media center of a new school.

1055 (k) Payment of the cost of premiums for property and
 1056 casualty insurance necessary to insure school district
 1057 educational and ancillary plants as required by ss.
 1058 1001.42(11)(d) and 1001.51(11)(k).

1059 (l) The purchase, lease-purchase, or lease of driver's
 1060 education vehicles; motor vehicles used for the maintenance or
 1061 operation of plants and equipment; security vehicles; or
 1062 vehicles used in storing or distributing materials and
 1063 equipment.

1064 (3) If the revenue from the millage authorized in
 1065 subsection (2) is insufficient to make payments due under a
 1066 lease-purchase agreement entered into prior to June 30, 2008, by
 1067 a district school board pursuant to paragraph (2)(e), an amount
 1068 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
 1069 within the school district shall be legally available for such
 1070 payments, notwithstanding other restrictions on the use of such
 1071 revenues imposed by law.

1072 ~~(4) Effective July 1, 2008, and through June 30, 2010, a~~
 1073 ~~school district may expend, subject to the provisions of s.~~
 1074 ~~200.065, up to \$100 per unweighted full-time equivalent student~~
 1075 ~~from the revenue generated by the millage levy authorized by~~

1076 ~~subsection (2) to fund, in addition to expenditures authorized~~
 1077 ~~in paragraphs (2) (a) - (j), expenses for the following:~~

1078 ~~(a) The purchase, lease-purchase, or lease of driver's~~
 1079 ~~education vehicles; motor vehicles used for the maintenance or~~
 1080 ~~operation of plants and equipment; security vehicles; or~~
 1081 ~~vehicles used in storing or distributing materials and~~
 1082 ~~equipment.~~

1083 ~~(b) Payment of the cost of premiums for property and~~
 1084 ~~easualty insurance necessary to insure school district~~
 1085 ~~educational and ancillary plants. Operating revenues that are~~
 1086 ~~made available through the payment of property and casualty~~
 1087 ~~insurance premiums from revenues generated under this subsection~~
 1088 ~~may be expended only for nonrecurring operational expenditures~~
 1089 ~~of the school district.~~

1090 ~~(4)~~⁽⁵⁾ Violations of the expenditure provisions in
 1091 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar
 1092 reduction in the Florida Education Finance Program (FEFP) funds
 1093 for the violating district in the fiscal year following the
 1094 audit citation. If the Commissioner of Education determines that
 1095 a school district acted in good faith, he or she may waive the
 1096 equal dollar reduction for audit findings for the 2006-2007 or
 1097 2007-2008 fiscal year that were related to the purchase of
 1098 software.

1099 ~~(5)~~⁽⁶⁾ These taxes shall be certified, assessed, and
 1100 collected as prescribed in s. 1011.04 and shall be expended as
 1101 provided by law.

1102 (6)~~(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
 1103 construed to increase the maximum school millage levies as
 1104 provided for in subsection (1).

1105 (7)~~(8)~~ In addition to the maximum millage levied under
 1106 this section and the General Appropriations Act, a school
 1107 district may levy, by local referendum or in a general election,
 1108 additional millage for school operational purposes up to an
 1109 amount that, when combined with nonvoted millage levied under
 1110 this section, does not exceed the 10-mill limit established in
 1111 s. 9(b), Art. VII of the State Constitution. Any such levy shall
 1112 be for a maximum of 4 years and shall be counted as part of the
 1113 10-mill limit established in s. 9(b), Art. VII of the State
 1114 Constitution. Millage elections conducted under the authority
 1115 granted pursuant to this section are subject to s. 1011.73.
 1116 Funds generated by such additional millage do not become a part
 1117 of the calculation of the Florida Education Finance Program
 1118 total potential funds in 2001-2002 or any subsequent year and
 1119 must not be incorporated in the calculation of any hold-harmless
 1120 or other component of the Florida Education Finance Program
 1121 formula in any year. If an increase in required local effort,
 1122 when added to existing millage levied under the 10-mill limit,
 1123 would result in a combined millage in excess of the 10-mill
 1124 limit, any millage levied pursuant to this subsection shall be
 1125 considered to be required local effort to the extent that the
 1126 district millage would otherwise exceed the 10-mill limit.

1127 (8) Notwithstanding subsection (2), for the 2009-2010
 1128 fiscal year, if the revenue from 1.5 mills is insufficient to
 1129 meet the payments due under a lease-purchase agreement entered

1130 into before June 30, 2009, by a district school board pursuant
 1131 to paragraph (2) (e), or to meet other critical district fixed
 1132 capital outlay needs, the board, in addition to the 1.5 mills,
 1133 may levy up to 0.25 mills for fixed capital outlay in lieu of
 1134 levying an equivalent amount of the discretionary mills for
 1135 operations as provided in the General Appropriations Act for
 1136 2009-2010. Millage levied pursuant to this subsection is subject
 1137 to the provisions of s. 200.065 and, combined with the 1.5 mills
 1138 authorized in subsection (2), may not exceed 1.75 mills. If the
 1139 district chooses to use up to 0.25 mills for fixed capital
 1140 outlay, the discretionary millage compression supplement
 1141 pursuant to s. 1011.62(5) shall be calculated for the standard
 1142 discretionary millage that is not eligible for transfer to
 1143 capital outlay.

1144 Section 28. Subsection (2) of section 1011.73, Florida
 1145 Statutes, is amended to read:

1146 1011.73 District millage elections.--

1147 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
 1148 district school board, pursuant to resolution adopted at a
 1149 regular meeting, shall direct the county commissioners to call
 1150 an election at which the electors within the school district may
 1151 approve an ad valorem tax millage as authorized under s.
 1152 1011.71(7)~~(8)~~. Such election may be held at any time, except
 1153 that not more than one such election shall be held during any
 1154 12-month period. Any millage so authorized shall be levied for a
 1155 period not in excess of 4 years or until changed by another
 1156 millage election, whichever is earlier. If any such election is

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1157 | invalidated by a court of competent jurisdiction, such
 1158 | invalidated election shall be considered not to have been held.

1159 | Section 29. Paragraph (g) of subsection (3) of section
 1160 | 1012.33, Florida Statutes, is amended to read:

1161 | 1012.33 Contracts with instructional staff, supervisors,
 1162 | and school principals.--

1163 | (3)

1164 | (g) For contracts in the 2009-2010 or 2010-2011 fiscal
 1165 | year, the period of service provided in this section may be
 1166 | extended by 1 year for an annual contract employee in the
 1167 | district who has at least 3 years of service when prescribed by
 1168 | the district school board based upon extraordinary financial
 1169 | circumstances in the district. ~~Beginning July 1, 2001, for each~~
 1170 | ~~employee who enters into a written contract, pursuant to this~~
 1171 | ~~section, in a school district in which the employee was not~~
 1172 | ~~employed as of June 30, 2001, or was employed as of June 30,~~
 1173 | ~~2001, but has since broken employment with that district for 1~~
 1174 | ~~school year or more, for purposes of pay, a district school~~
 1175 | ~~board must recognize and accept each year of full-time public~~
 1176 | ~~school teaching service earned in the State of Florida or~~
 1177 | ~~outside the state and for which the employee received a~~
 1178 | ~~satisfactory performance evaluation. Instructional personnel~~
 1179 | ~~employed pursuant to s. 121.091(9)(b)3. are exempt from the~~
 1180 | ~~provisions of this paragraph.~~

1181 | Section 30. Subsection (1) of section 1012.59, Florida
 1182 | Statutes, is amended to read:

1183 | 1012.59 Certification fees.--

1184 (1) The State Board of Education, by rule, shall establish
 1185 separate fees for applications, examinations, certification,
 1186 certification renewal, late renewal, recordmaking, and
 1187 recordkeeping, and may establish procedures for scheduling and
 1188 administering an examination upon an applicant's request. Each
 1189 fee shall be based on department estimates of the revenue
 1190 required to implement the provisions of law with respect to
 1191 certification of school personnel. The application fee shall be
 1192 nonrefundable. Each examination fee shall be sufficient to cover
 1193 the actual cost of developing and administering the examination,
 1194 ~~but shall not exceed \$100 for an examination.~~

1195 Section 31. Subsection (6) is added to section 1012.71,
 1196 Florida Statutes, to read:

1197 1012.71 The Florida Teachers Lead Program.--

1198 (6) For the 2009-2010 fiscal year, the Department of
 1199 Education is authorized to conduct a pilot program to determine
 1200 the feasibility of managing the Florida Teachers Lead Program
 1201 through a centralized electronic system. The pilot program
 1202 system must:

1203 (a) Be established through a competitive procurement
 1204 process.

1205 (b) Provide the capability for participating teachers to
 1206 make purchases from online sources.

1207 (c) Provide the capability for participating teachers to
 1208 make purchases from local vendors by means other than online
 1209 purchasing.

1210 (d) Generally comply with the provisions of this section.

1211 (e) Be subject to annual auditing requirements to ensure
 1212 accountability for funds received and disbursed.

1213 (f) Provide for the return of funds not used on an annual
 1214 basis to the state.

1215
 1216 Participation by a school district in this pilot program shall
 1217 be on a voluntary basis. The department may limit the number of
 1218 participating districts to the number it deems feasible to
 1219 adequately measure the viability of the pilot program. The
 1220 department is not required to implement this pilot program if it
 1221 determines the number of school districts willing to participate
 1222 is insufficient to adequately measure the viability of the pilot
 1223 program.

1224 Section 32. Paragraph (a) of subsection (2) of section
 1225 1012.72, Florida Statutes, is amended, and subsection (4) is
 1226 added to that section, to read:

1227 1012.72 Dale Hickam Excellent Teaching Program.--

1228 (2) The Dale Hickam Excellent Teaching Program is created
 1229 to provide categorical funding for bonuses for teaching
 1230 excellence. The bonuses may be provided for initial
 1231 certification for up to one 10-year period. The Department of
 1232 Education shall distribute to each school district an amount as
 1233 prescribed annually by the Legislature for the Dale Hickam
 1234 Excellent Teaching Program. For purposes of this section, the
 1235 Florida School for the Deaf and the Blind shall be considered a
 1236 school district. Unless otherwise provided in the General
 1237 Appropriations Act, each distribution shall be the sum of the
 1238 amounts earned for the following:

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1239 (a) An annual bonus equal to 10 percent of the prior
1240 fiscal year's statewide average salary for classroom teachers to
1241 be distributed to the school district to be paid to each
1242 individual classroom teacher who holds NBPTS certification and
1243 is employed by the district school board or by a public school
1244 within the school district. For a classroom teacher who attains
1245 NBPTS certification after July 1, 2009, in order to be eligible
1246 for a bonus, the individual shall teach in a low-performing
1247 school as determined by the State Board of Education. The
1248 district school board shall distribute the annual bonus to each
1249 individual who meets the requirements of this paragraph and who
1250 is certified annually by the district to have demonstrated
1251 satisfactory teaching performance pursuant to s. 1012.34. The
1252 annual bonus may be paid as a single payment or divided into not
1253 more than three payments.

1254 (4) The State Board of Education may adopt rules to
1255 administer the provisions for payment of the bonuses and to
1256 establish definitions of low-performing schools and determine
1257 the eligibility of teachers.

1258 Section 33. Paragraphs (f), (g), and (h) are added to
1259 subsection (2) of section 1013.62, Florida Statutes, to read:

1260 1013.62 Charter schools capital outlay funding.--

1261 (2) A charter school's governing body may use charter
1262 school capital outlay funds for the following purposes:

1263 (f) Effective July 1, 2008, purchase, lease-purchase, or
1264 lease of new and replacement equipment, and enterprise resource
1265 software applications that are classified as capital assets in
1266 accordance with definitions of the Governmental Accounting

1267 Standards Board, have a useful life of at least 5 years, and are
 1268 used to support schoolwide administration or state-mandated
 1269 reporting requirements.

1270 (g) Payment of the cost of premiums for property and
 1271 casualty insurance necessary to insure the school facilities.

1272 (h) Purchase, lease-purchase, or lease of driver's
 1273 education vehicles; motor vehicles used for the maintenance or
 1274 operation of plants and equipment; security vehicles; or
 1275 vehicles used in storing or distributing materials and
 1276 equipment.

1277
 1278 Conversion charter schools may use capital outlay funds received
 1279 through the reduction in the administrative fee provided in s.
 1280 1002.33(20) for renovation, repair, and maintenance of school
 1281 facilities that are owned by the sponsor.

1282 Section 34. Paragraph (b) of subsection (6) of section
 1283 1013.64, Florida Statutes, as amended by chapter 2009-3, Laws of
 1284 Florida, is amended, and subsection (7) is added to that
 1285 section, to read:

1286 1013.64 Funds for comprehensive educational plant needs;
 1287 construction cost maximums for school district capital
 1288 projects.--Allocations from the Public Education Capital Outlay
 1289 and Debt Service Trust Fund to the various boards for capital
 1290 outlay projects shall be determined as follows:

1291 (6)

1292 (b)1. A district school board, including a district school
 1293 board of an academic performance-based charter school district,
 1294 must not use funds from the following sources: Public Education

1295 Capital Outlay and Debt Service Trust Fund; School District and
 1296 Community College District Capital Outlay and Debt Service Trust
 1297 Fund; Classrooms First Program funds provided in s. 1013.68;
 1298 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
 1299 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.
 1300 1011.71(2); Classrooms for Kids Program funds provided in s.
 1301 1013.735; District Effort Recognition Program funds provided in
 1302 s. 1013.736; or High Growth District Capital Outlay Assistance
 1303 Grant Program funds provided in s. 1013.738 for any new
 1304 construction of educational plant space with a total cost per
 1305 student station, including change orders, that equals more than:
 1306 a. \$17,952 for an elementary school,
 1307 b. \$19,386 for a middle school, or
 1308 c. \$25,181 for a high school,
 1309
 1310 (January 2006) as adjusted annually to reflect increases or
 1311 decreases in the Consumer Price Index.

1312 2. A district school board must not use funds from the
 1313 Public Education Capital Outlay and Debt Service Trust Fund or
 1314 the School District and Community College District Capital
 1315 Outlay and Debt Service Trust Fund for any new construction of
 1316 an ancillary plant that exceeds 70 percent of the average cost
 1317 per square foot of new construction for all schools.

1318 (7) Notwithstanding subsection (2), the district school
 1319 board of Wakulla County shall contribute 1 mill in the 2009-2010
 1320 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the
 1321 cost of currently funded special facilities construction
 1322 projects. The district school board of Liberty County shall

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1323 contribute 1 mill for each of the fiscal years from the 2009-
1324 2010 fiscal year through the 2011-2012 fiscal year to the cost
1325 of currently funded special facilities construction projects. If
1326 funds are made available in the General Appropriations Act for
1327 the 2009-2010 fiscal year for the district school board of
1328 Calhoun County from the Special Facility Construction Account,
1329 the district school board of Calhoun County shall contribute
1330 1.125 mills for each of the fiscal years from the 2009-2010
1331 fiscal year through the 2012-2013 fiscal year to the cost of
1332 currently funded special facilities construction projects.

1333 Section 35. Section 9 of chapter 2008-142, Laws of
1334 Florida, is repealed.

1335 Section 36. In order to implement Specific Appropriations
1336 6, 7, 76, and 77 of the General Appropriations Act for the 2009-
1337 2010 fiscal year, the calculations of the Florida Education
1338 Finance Program for the 2009-2010 fiscal year in the document
1339 entitled "Public School Funding - The Florida Education Finance
1340 Program," dated April X, 2009, and filed with the Clerk of the
1341 House of Representatives, are incorporated by reference for the
1342 purpose of displaying the calculations used by the Legislature,
1343 consistent with requirements of the Florida Statutes, in making
1344 appropriations and reductions in appropriations for the Florida
1345 Education Finance Program.

1346 Section 37. This act shall take effect July 1, 2009;
1347 however, the provisions of s. 1011.71, Florida Statutes, as
1348 amended by this act, shall operate retroactively to July 1,
1349 2008.