

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; authorizing extension of the school year;  
17          clarifying provisions authorizing the payment of earned  
18          leave and benefits accrued by a district school board  
19          employee before his or her employment contract expires;  
20          amending s. 1001.451, F.S.; revising provisions relating  
21          to the funding of regional consortium service  
22          organizations; amending s. 1001.47, F.S.; authorizing  
23          elected district school superintendents to reduce their  
24          salary rates on a voluntary basis; requiring that each  
25          elected superintendent's salary be reduced by 5 percent  
26          for the 2009-2010 fiscal year; amending s. 1001.50, F.S.;  
27          clarifying provisions authorizing payment of earned leave  
28          and benefits accrued by a superintendent before his or her

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

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

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

113 used by the Legislature for the 2009-2010 fiscal year;  
 114 providing for retroactive operation of specified  
 115 provisions of the act; providing an effective date.  
 116

117 Be It Enacted by the Legislature of the State of Florida:  
 118

119 Section 1. Paragraph (a) of subsection (4) of section  
 120 1001.20, Florida Statutes, is amended to read:

121 1001.20 Department under direction of state board.--

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

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

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

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

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

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

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

167

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

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

176 1001.395 District school board members; compensation.--

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

183 Section 5. Paragraph (a) of subsection (12) and subsection  
 184 (25) of section 1001.42, Florida Statutes, as amended by chapter  
 185 2009-3, Laws of Florida, are amended to read:

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

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

192 (a) Provide for all schools to operate ~~at least~~ 180  
 193 days.--Provide for the operation of all public schools, both  
 194 elementary and secondary, as free schools for a term of ~~at least~~  
 195 180 days or the equivalent on an hourly basis as specified by

196 rules of the State Board of Education; determine district school  
 197 funds necessary in addition to state funds to operate all  
 198 schools for such minimum term; and arrange for the levying of  
 199 district school taxes necessary to provide the amount needed  
 200 from district sources. Nothing in this section, s. 1003.02, or  
 201 s. 1011.60 may preclude a school district from extending the  
 202 school year beyond 180 days or the equivalent on an hourly  
 203 basis.

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

213 Section 6. Paragraph (c) of subsection (2) of section  
 214 1001.451, Florida Statutes, is amended to read:

215 1001.451 Regional consortium service organizations.--In  
 216 order to provide a full range of programs to larger numbers of  
 217 students, minimize duplication of services, and encourage the  
 218 development of new programs and services:

219 (2)

220 (c) Notwithstanding paragraph (a), the appropriation ~~for~~  
 221 ~~the 2008-2009 fiscal year~~ may be less than \$50,000 per school  
 222 district and eligible member. If the amount appropriated is  
 223 insufficient to provide \$50,000, the funds available must be



224 prorated among all eligible districts and members. ~~This~~  
 225 ~~paragraph expires July 1, 2009.~~

226 Section 7. Subsections (6) and (7) are added to section  
 227 1001.47, Florida Statutes, to read:

228 1001.47 District school superintendent; salary.--

229 (6) Notwithstanding the provisions of this section and s.  
 230 145.19, elected district school superintendents may reduce their  
 231 salary rates on a voluntary basis.

232 (7) Notwithstanding the provisions of this section and s.  
 233 145.19, for the 2009-2010 fiscal year, the salary of each  
 234 elected district school superintendent calculated pursuant to  
 235 this section shall be reduced by 5 percent.

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

240 1001.50 Superintendents employed under Art. IX of the  
 241 State Constitution.--

242 (2) The district school board of each of such districts  
 243 shall enter into contracts of employment with the district  
 244 school superintendent and shall adopt rules relating to his or  
 245 her appointment; however, ~~on or after February 1, 2009,~~ the  
 246 district school board may not enter into an employment contract  
 247 ~~that is funded from state funds and that requires the district~~  
 248 to pay from state funds a superintendent an amount in excess of  
 249 1 year of the superintendent's annual salary for termination,  
 250 buy-out, or any other type of contract settlement. This  
 251 subsection does not prohibit the payment of earned leave and

252 benefits in accordance with the district's leave and benefits  
 253 policies which are accrued by the superintendent before the  
 254 contract terminates.

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

265 (6) District school boards and district school  
 266 superintendents employed pursuant to this section are encouraged  
 267 to review the superintendent's annual remuneration for the 2009-  
 268 2010 fiscal year and mutually agree to a reduction of at least 5  
 269 percent.

270 Section 9. Paragraph (c) of subsection (1) of section  
 271 1002.43, Florida Statutes, is amended to read:

272 1002.43 Private tutoring programs.--

273 (1) Regular school attendance as defined in s. 1003.01(13)  
 274 may be achieved by attendance in a private tutoring program if  
 275 the person tutoring the student meets the following  
 276 requirements:

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

279 Section 10. Paragraph (g) of subsection (3) of section  
 280 1002.37, Florida Statutes, is amended to read:

281 1002.37 The Florida Virtual School.--

282 (3) Funding for the Florida Virtual School shall be  
 283 provided as follows:

284 (g) The Florida Virtual School shall receive additional  
 285 state funds as may be provided in the General Appropriations  
 286 Act; however, such funds may not be provided for the purpose of  
 287 fulfilling the class size requirements in ss. 1003.03 and  
 288 1011.685.

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

292 1002.45 School district virtual instruction programs.--

293 (1) PROGRAM.--

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

306 enrolled virtual courses in grades 9 through 12 as authorized in  
307 paragraph (7) (c).

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

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

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

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

330 (2) PROVIDER QUALIFICATIONS. ~~--On or before March 1, 2009,~~  
331 ~~and annually thereafter,~~ The department shall annually provide  
332 school districts with a list of no more than two approved  
333 providers for the K-8 virtual instruction program and no more

334 than two approved providers for the virtual instruction program  
 335 under paragraph (7)(c) providers approved to offer virtual  
 336 ~~instruction.~~ To be approved by the department, a contract  
 337 provider must annually document that it:

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

340 (b) Complies with the antidiscrimination provisions of s.  
 341 1000.05;

342 (c) Locates an administrative office or offices in this  
 343 state, requires its administrative staff to be state residents,  
 344 and requires all instructional staff members to be Florida-  
 345 certified teachers;

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

348 (e) Utilizes Florida-certified ~~an instructional model that~~  
 349 ~~relies on certified teachers, not parents, to provide at least~~  
 350 ~~85 percent of the instruction to the student;~~

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

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

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

362 of Accredited Schools, or the Western Association of Schools and  
 363 Colleges ~~the Commission on Colleges of the Southern Association~~  
 364 ~~of Colleges and Schools, the Middle States Association of~~  
 365 ~~Colleges and Schools, the North Central Association of Colleges~~  
 366 ~~and Schools, or the New England Association of Colleges and~~  
 367 ~~Schools;~~ and

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

369  
 370 Notwithstanding this subsection, approved providers of virtual  
 371 instruction shall include the Florida Virtual School established  
 372 under s. 1002.37 ~~and providers that operate under s. 1002.415.~~

373 (7) FUNDING.--

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

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

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

388 (8) ASSESSMENT AND ACCOUNTABILITY.--

389           (a) ~~With the exception of the programs offered by the~~  
 390 ~~Florida Virtual School under s. 1002.37,~~ Each school district K-  
 391 8 virtual instruction program must:

392           1. ~~participate in the statewide assessment program under~~  
 393 ~~s. 1008.22 and in the state's education performance~~  
 394 ~~accountability system under s. 1008.31.~~

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

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

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

415           (d) The school district shall terminate its program with a  
 416 provider, ~~including all contracts with providers for such~~

417 ~~program,~~ if the provider ~~program~~ receives a grade of "D," making  
 418 less than satisfactory progress, or "F," failing to make  
 419 adequate progress, for 2 years during any consecutive 4-year  
 420 period. If a contract is not renewed or is terminated, the  
 421 contracted provider is responsible for all debts of the program  
 422 or school operated by the provider.

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

429 (10) MARKETING.--Any information provided by a school  
 430 district to parents and students regarding ~~the school district's~~  
 431 virtual education ~~instruction program~~ must include information  
 432 about ~~opportunities available at,~~ and the parent's and student's  
 433 right to access courses offered by the school district virtual  
 434 instruction program and by<sup>7</sup> the Florida Virtual School under s.  
 435 1002.37.

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



445 ~~only be issued for virtual courses in kindergarten through grade~~  
446 ~~8 to providers operating under s. 1002.415 or for virtual~~  
447 ~~courses in grades 9 through 12 as authorized under paragraph~~  
448 ~~(7)(c) to providers who contracted with a regional consortium in~~  
449 ~~the 2007-2008 school year to provide such services.~~

450 ~~(11)-(12)~~ RULES.--The State Board of Education shall adopt  
451 rules necessary to administer this section, including rules that  
452 prescribe school district ~~and charter school~~ reporting  
453 requirements.

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

457 1002.71 Funding; financial and attendance reporting.--

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

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

471

472 A child may reenroll only once in a prekindergarten program  
473 under this section. A child who reenrolls in a prekindergarten  
474 program under this subsection may not subsequently withdraw from  
475 the program and reenroll. The Agency for Workforce Innovation  
476 shall establish criteria specifying whether a good cause exists  
477 for a child to withdraw from a program under paragraph (a),  
478 whether a child has substantially completed a program under  
479 paragraph (b), and whether an extreme hardship exists which is  
480 beyond the child's or parent's control under paragraph (b).

481 (6)

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

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

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

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

501 3. A private prekindergarten provider or public school may  
502 not receive payment for absences that occur before a student's  
503 first day of attendance or after a student's last day of  
504 attendance. ~~A student who does not meet the minimum requirement~~  
505 ~~may be reported as a full-time equivalent student if the student~~  
506 ~~is absent for good cause in accordance with exceptions specified~~  
507 ~~in the uniform attendance policy.~~

508

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

513 Section 13. Paragraph (g) of subsection (1) of section  
514 1003.02, Florida Statutes, is amended to read:

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

526 and career education programs. Additionally, district school  
527 boards must:

528 (1) Provide for the proper accounting for all students of  
529 school age, for the attendance and control of students at  
530 school, and for proper attention to health, safety, and other  
531 matters relating to the welfare of students in the following  
532 fields:

533 (g) School operation.--

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

541 2. Prepare, adopt, and timely submit to the Department of  
542 Education, as required by law and by rules of the State Board of  
543 Education, the annual school budget, so as to promote the  
544 improvement of the district school system.

545 Section 14. Paragraph (b) of subsection (2) of section  
546 1003.03, Florida Statutes, is amended to read:

547 1003.03 Maximum class size.--

548 (2) IMPLEMENTATION.--

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

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

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

557           3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the  
558 calculation for compliance shall be at the individual classroom  
559 level.

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

563           Section 15. Paragraph (a) of subsection (1) of section  
564 1004.55, Florida Statutes, is amended to read:

565           1004.55 Regional autism centers.--

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

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

586 Section 16. Paragraph (b) of subsection (5) of section  
587 1006.06, Florida Statutes, is amended to read:

588 1006.06 School food service programs.--

589 (5)

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

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

599 1006.28 Duties of district school board, district school  
600 superintendent; and school principal regarding K-12  
601 instructional materials.--

602 (1) DISTRICT SCHOOL BOARD.--The district school board has  
603 the duty to provide adequate instructional materials for all  
604 students in accordance with the requirements of this part. The  
605 term "adequate instructional materials" means a sufficient  
606 number of textbooks or sets of materials that are available in  
607 bound, unbound, kit, or package form and may consist of  
608 hardbacked or softbacked textbooks, consumables, learning

609 laboratories, manipulatives, electronic media, and computer  
610 courseware or software that serve ~~serve~~ as the basis for  
611 instruction for each student in the core courses of mathematics,  
612 language arts, social studies, science, reading, and literature,  
613 except for instruction for which the school advisory council  
614 approves the use of a program that does not include a textbook  
615 as a major tool of instruction. The district school board has  
616 the following specific duties:

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

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

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

631 (d) School library media services; establishment and  
632 maintenance.--Establish and maintain a program of school library  
633 media services for all public schools in the district, including  
634 school library media centers, or school library media centers  
635 open to the public, and, in addition such traveling or

636 circulating libraries as may be needed for the proper operation  
637 of the district school system.

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

640 1006.40 Use of instructional materials allocation;  
641 instructional materials, library books, and reference books;  
642 repair of books.--

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



663 of materials not on the state-adopted list to purchase science  
664 laboratory materials and supplies.

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

667 1008.29 College-level communication and mathematics skills  
668 examination (CLAST).--

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

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

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

688 Section 20. Paragraph (c) of subsection (1) of section  
689 1008.41, Florida Statutes, is amended to read:

690 1008.41 Workforce education; management information  
 691 system.--

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

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

705 Section 21. Section 1010.11, Florida Statutes, is amended  
 706 to read:

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

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

718 1011.18 School depositories; payments into and withdrawals  
719 from depositories.--

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

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

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

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

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

774 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the  
775 appointment, promotion, transfer, suspension, and dismissal of  
776 personnel.

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

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

789 Section 24. Paragraph (c) of subsection (1) of section  
790 1011.61, Florida Statutes, is amended to read:

791 1011.61 Definitions.--Notwithstanding the provisions of s.  
792 1000.21, the following terms are defined as follows for the  
793 purposes of the Florida Education Finance Program:

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

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

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

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

802 equivalent of one full-time student based on the following  
803 calculations:

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

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

820 (III) A full-time equivalent student for students in  
821 grades K-8 in a school district virtual instruction program as  
822 provided in s. 1002.45 shall consist of a student who has  
823 successfully completed a basic program listed in s.  
824 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade  
825 level by August 31 of each year. The maximum value for funding a  
826 student in a virtual instruction program is subject to  
827 subsection (4).

828 (IV) A full-time equivalent student for students in grades  
829 9-12 in a school district virtual instruction program as

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

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

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

849 2. A student in membership in a program scheduled for more  
850 or less than 180 school days or the equivalent on an hourly  
851 basis is a fraction of a full-time equivalent membership equal  
852 to the number of instructional hours in membership divided by  
853 the appropriate number of hours set forth in subparagraph (a)1.;  
854 however, for the purposes of this subparagraph, membership in  
855 programs scheduled for more than 180 days or the equivalent on  
856 an hourly basis is limited to students enrolled in juvenile

857 justice education programs, ~~and~~ the Florida Virtual School, and  
 858 a school district virtual instruction program.

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

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

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

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

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



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

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

895        (b) Final calculation.--

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

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

912 the most recent 3 years for which the information is available,  
 913 between the taxable value for school purposes on which the tax  
 914 bills are computed and the taxable value for school purposes on  
 915 which the tax bills are computed as adjusted to reflect final  
 916 administrative actions of value adjustment board and judicial  
 917 decisions pursuant to chapter 194.

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

922 (6) CATEGORICAL FUNDS.--

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

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

938 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
 939 CURRENT OPERATION.--The total annual state allocation to each

940 district for current operation for the FEFP shall be distributed  
941 periodically in the manner prescribed in the General  
942 Appropriations Act.

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

965 1. Determine the percentage of proration by dividing the  
966 sum of the total amount for current operation, as provided in  
967 this paragraph for all districts collectively, and the total

968 district required local effort into the sum of the state funds  
 969 available for current operation and the total district required  
 970 local effort.

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

974 3. From the product of such multiplication, subtract the  
 975 required local effort of each district; and the remainder shall  
 976 be the amount of state funds allocated to the district for  
 977 current operation.

978 Section 26. Paragraph (b) of subsection (4) of section  
 979 1011.69, Florida Statutes, is repealed.

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

982 1011.71 District school tax.--

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

996 Legislature shall prescribe annually in the appropriations act  
 997 the maximum amount of millage a district may levy.

998 (2) In addition to the maximum millage levy as provided in  
 999 subsection (1), each school board may levy not more than 1.5  
 1000 ~~1.75~~ mills against the taxable value for school purposes for  
 1001 district schools, including charter schools at the discretion of  
 1002 the school board, to fund:

1003 (a) New construction and remodeling projects, as set forth  
 1004 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
 1005 educational plant survey pursuant to s. 1013.31, without regard  
 1006 to prioritization, sites and site improvement or expansion to  
 1007 new sites, existing sites, auxiliary facilities, athletic  
 1008 facilities, or ancillary facilities.

1009 (b) Maintenance, renovation, and repair of existing school  
 1010 plants or of leased facilities to correct deficiencies pursuant  
 1011 to s. 1013.15(2).

1012 (c) The purchase, lease-purchase, or lease of school  
 1013 buses.

1014 (d) Effective July 1, 2008, the purchase, lease-purchase,  
 1015 or lease of new and replacement equipment, and enterprise  
 1016 resource software applications that are classified as capital  
 1017 assets in accordance with definitions of the Governmental  
 1018 Accounting Standards Board, have a useful life of at least 5  
 1019 years, and are used to support districtwide administration or  
 1020 state-mandated reporting requirements.

1021 (e) Payments for educational facilities and sites due  
 1022 under a lease-purchase agreement entered into by a district  
 1023 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not

1024 exceeding, in the aggregate, an amount equal to three-fourths of  
 1025 the proceeds from the millage levied by a district school board  
 1026 pursuant to this subsection. For the 2009-2010 fiscal year, the  
 1027 three-fourths limit is waived for lease-purchase agreements  
 1028 entered into before June 30, 2009, by a district school board  
 1029 pursuant to this paragraph.

1030 (f) Payment of loans approved pursuant to ss. 1011.14 and  
 1031 1011.15.

1032 (g) Payment of costs directly related to complying with  
 1033 state and federal environmental statutes, rules, and regulations  
 1034 governing school facilities.

1035 (h) Payment of costs of leasing relocatable educational  
 1036 facilities, of renting or leasing educational facilities and  
 1037 sites pursuant to s. 1013.15(2), or of renting or leasing  
 1038 buildings or space within existing buildings pursuant to s.  
 1039 1013.15(4).

1040 (i) Payment of the cost of school buses when a school  
 1041 district contracts with a private entity to provide student  
 1042 transportation services if the district meets the requirements  
 1043 of this paragraph.

1044 1. The district's contract must require that the private  
 1045 entity purchase, lease-purchase, or lease, and operate and  
 1046 maintain, one or more school buses of a specific type and size  
 1047 that meet the requirements of s. 1006.25.

1048 2. Each such school bus must be used for the daily  
 1049 transportation of public school students in the manner required  
 1050 by the school district.

1051 3. Annual payment for each such school bus may not exceed  
 1052 10 percent of the purchase price of the state pool bid.

1053 4. The proposed expenditure of the funds for this purpose  
 1054 must have been included in the district school board's notice of  
 1055 proposed tax for school capital outlay as provided in s.  
 1056 200.065(10).

1057 (j) Payment of the cost of the opening day collection for  
 1058 the library media center of a new school.

1059 (k) Payment of the cost of premiums for property and  
 1060 casualty insurance necessary to insure school district  
 1061 educational and ancillary plants as required by ss.  
 1062 1001.42(11) (d) and 1001.51(11) (k).

1063 (l) The purchase, lease-purchase, or lease of driver's  
 1064 education vehicles; motor vehicles used for the maintenance or  
 1065 operation of plants and equipment; security vehicles; or  
 1066 vehicles used in storing or distributing materials and  
 1067 equipment.

1068 (3) If the revenue from the millage authorized in  
 1069 subsection (2) is insufficient to make payments due under a  
 1070 lease-purchase agreement entered into prior to June 30, 2008, by  
 1071 a district school board pursuant to paragraph (2) (e), an amount  
 1072 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes  
 1073 within the school district shall be legally available for such  
 1074 payments, notwithstanding other restrictions on the use of such  
 1075 revenues imposed by law.

1076 ~~(4) Effective July 1, 2008, and through June 30, 2010, a~~  
 1077 ~~school district may expend, subject to the provisions of s.~~  
 1078 ~~200.065, up to \$100 per unweighted full-time equivalent student~~

1079 ~~from the revenue generated by the millage levy authorized by~~  
 1080 ~~subsection (2) to fund, in addition to expenditures authorized~~  
 1081 ~~in paragraphs (2) (a) - (j), expenses for the following:~~

1082 ~~(a) The purchase, lease purchase, or lease of driver's~~  
 1083 ~~education vehicles; motor vehicles used for the maintenance or~~  
 1084 ~~operation of plants and equipment; security vehicles; or~~  
 1085 ~~vehicles used in storing or distributing materials and~~  
 1086 ~~equipment.~~

1087 ~~(b) Payment of the cost of premiums for property and~~  
 1088 ~~easualty insurance necessary to insure school district~~  
 1089 ~~educational and ancillary plants. Operating revenues that are~~  
 1090 ~~made available through the payment of property and casualty~~  
 1091 ~~insurance premiums from revenues generated under this subsection~~  
 1092 ~~may be expended only for nonrecurring operational expenditures~~  
 1093 ~~of the school district.~~

1094 ~~(4)-(5)~~ Violations of the expenditure provisions in  
 1095 subsection (2) or subsection (4) shall result in an equal dollar  
 1096 reduction in the Florida Education Finance Program (FEFP) funds  
 1097 for the violating district in the fiscal year following the  
 1098 audit citation. If the Commissioner of Education determines that  
 1099 a school district acted in good faith, he or she may waive the  
 1100 equal dollar reduction for audit findings for the 2006-2007 or  
 1101 2007-2008 fiscal year that were related to the purchase of  
 1102 software.

1103 ~~(5)-(6)~~ These taxes shall be certified, assessed, and  
 1104 collected as prescribed in s. 1011.04 and shall be expended as  
 1105 provided by law.



1106        (6)~~(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be  
 1107 construed to increase the maximum school millage levies as  
 1108 provided for in subsection (1).

1109        (7)~~(8)~~ In addition to the maximum millage levied under  
 1110 this section and the General Appropriations Act, a school  
 1111 district may levy, by local referendum or in a general election,  
 1112 additional millage for school operational purposes up to an  
 1113 amount that, when combined with nonvoted millage levied under  
 1114 this section, does not exceed the 10-mill limit established in  
 1115 s. 9(b), Art. VII of the State Constitution. Any such levy shall  
 1116 be for a maximum of 4 years and shall be counted as part of the  
 1117 10-mill limit established in s. 9(b), Art. VII of the State  
 1118 Constitution. Millage elections conducted under the authority  
 1119 granted pursuant to this section are subject to s. 1011.73.  
 1120 Funds generated by such additional millage do not become a part  
 1121 of the calculation of the Florida Education Finance Program  
 1122 total potential funds in 2001-2002 or any subsequent year and  
 1123 must not be incorporated in the calculation of any hold-harmless  
 1124 or other component of the Florida Education Finance Program  
 1125 formula in any year. If an increase in required local effort,  
 1126 when added to existing millage levied under the 10-mill limit,  
 1127 would result in a combined millage in excess of the 10-mill  
 1128 limit, any millage levied pursuant to this subsection shall be  
 1129 considered to be required local effort to the extent that the  
 1130 district millage would otherwise exceed the 10-mill limit.

1131        (8) Notwithstanding subsection (2), for the 2009-2010  
 1132 fiscal year, if the revenue from 1.5 mills is insufficient to  
 1133 meet the payments due under a lease-purchase agreement entered

1134 into before June 30, 2009, by a district school board pursuant  
 1135 to paragraph (2)(e), or to meet other critical district fixed  
 1136 capital outlay needs, the board, in addition to the 1.5 mills,  
 1137 may levy up to 0.25 mills for fixed capital outlay in lieu of  
 1138 levying an equivalent amount of the discretionary mills for  
 1139 operations as provided in the General Appropriations Act for  
 1140 2009-2010. Millage levied pursuant to this subsection is subject  
 1141 to the provisions of s. 200.065 and, combined with the 1.5 mills  
 1142 authorized in subsection (2), may not exceed 1.75 mills. If the  
 1143 district chooses to use up to 0.25 mills for fixed capital  
 1144 outlay, the discretionary millage compression supplement  
 1145 pursuant to s. 1011.62(5) shall be calculated for the standard  
 1146 discretionary millage that is not eligible for transfer to  
 1147 capital outlay.

1148 Section 28. Subsection (2) of section 1011.73, Florida  
 1149 Statutes, is amended to read:

1150 1011.73 District millage elections.--

1151 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The  
 1152 district school board, pursuant to resolution adopted at a  
 1153 regular meeting, shall direct the county commissioners to call  
 1154 an election at which the electors within the school district may  
 1155 approve an ad valorem tax millage as authorized under s.  
 1156 1011.71(7)~~(8)~~. Such election may be held at any time, except  
 1157 that not more than one such election shall be held during any  
 1158 12-month period. Any millage so authorized shall be levied for a  
 1159 period not in excess of 4 years or until changed by another  
 1160 millage election, whichever is earlier. If any such election is

1161 invalidated by a court of competent jurisdiction, such  
 1162 invalidated election shall be considered not to have been held.

1163 Section 29. Paragraph (g) of subsection (3) of section  
 1164 1012.33, Florida Statutes, is amended to read:

1165 1012.33 Contracts with instructional staff, supervisors,  
 1166 and school principals.--

1167 (3)

1168 (g) For contracts in the 2009-2010 or 2010-2011 fiscal  
 1169 year, the period of service provided in this section may be  
 1170 extended by 1 year for an annual contract employee in the  
 1171 district who has at least 3 years of service when prescribed by  
 1172 the district school board based upon extraordinary financial  
 1173 circumstances in the district. ~~Beginning July 1, 2001, for each~~  
 1174 ~~employee who enters into a written contract, pursuant to this~~  
 1175 ~~section, in a school district in which the employee was not~~  
 1176 ~~employed as of June 30, 2001, or was employed as of June 30,~~  
 1177 ~~2001, but has since broken employment with that district for 1~~  
 1178 ~~school year or more, for purposes of pay, a district school~~  
 1179 ~~board must recognize and accept each year of full-time public~~  
 1180 ~~school teaching service earned in the State of Florida or~~  
 1181 ~~outside the state and for which the employee received a~~  
 1182 ~~satisfactory performance evaluation. Instructional personnel~~  
 1183 ~~employed pursuant to s. 121.091(9)(b)3. are exempt from the~~  
 1184 ~~provisions of this paragraph.~~

1185 Section 30. Subsection (1) of section 1012.59, Florida  
 1186 Statutes, is amended to read:

1187 1012.59 Certification fees.--

1188 (1) The State Board of Education, by rule, shall establish  
 1189 separate fees for applications, examinations, certification,  
 1190 certification renewal, late renewal, recordmaking, and  
 1191 recordkeeping, and may establish procedures for scheduling and  
 1192 administering an examination upon an applicant's request. Each  
 1193 fee shall be based on department estimates of the revenue  
 1194 required to implement the provisions of law with respect to  
 1195 certification of school personnel. The application fee shall be  
 1196 nonrefundable. Each examination fee shall be sufficient to cover  
 1197 the actual cost of developing and administering the examination,  
 1198 ~~but shall not exceed \$100 for an examination.~~

1199 Section 31. Subsection (6) is added to section 1012.71,  
 1200 Florida Statutes, to read:

1201 1012.71 The Florida Teachers Lead Program.--

1202 (6) For the 2009-2010 fiscal year, the Department of  
 1203 Education is authorized to conduct a pilot program to determine  
 1204 the feasibility of managing the Florida Teachers Lead Program  
 1205 through a centralized electronic system. The pilot program  
 1206 system must:

1207 (a) Be established through a competitive procurement  
 1208 process.

1209 (b) Provide the capability for participating teachers to  
 1210 make purchases from online sources.

1211 (c) Provide the capability for participating teachers to  
 1212 make purchases from local vendors by means other than online  
 1213 purchasing.

1214 (d) Generally comply with the provisions of this section.

1215 (e) Be subject to annual auditing requirements to ensure  
 1216 accountability for funds received and disbursed.

1217 (f) Provide for the return of funds not used on an annual  
 1218 basis to the state.

1219  
 1220 Participation by a school district in this pilot program shall  
 1221 be on a voluntary basis. The department may limit the number of  
 1222 participating districts to the number it deems feasible to  
 1223 adequately measure the viability of the pilot program. The  
 1224 department is not required to implement this pilot program if it  
 1225 determines the number of school districts willing to participate  
 1226 is insufficient to adequately measure the viability of the pilot  
 1227 program.

1228 Section 32. Paragraph (a) of subsection (2) of section  
 1229 1012.72, Florida Statutes, is amended, and subsection (4) is  
 1230 added to that section, to read:

1231 1012.72 Dale Hickam Excellent Teaching Program.--

1232 (2) The Dale Hickam Excellent Teaching Program is created  
 1233 to provide categorical funding for bonuses for teaching  
 1234 excellence. The bonuses may be provided for initial  
 1235 certification for up to one 10-year period. The Department of  
 1236 Education shall distribute to each school district an amount as  
 1237 prescribed annually by the Legislature for the Dale Hickam  
 1238 Excellent Teaching Program. For purposes of this section, the  
 1239 Florida School for the Deaf and the Blind shall be considered a  
 1240 school district. Unless otherwise provided in the General  
 1241 Appropriations Act, each distribution shall be the sum of the  
 1242 amounts earned for the following:

1243 (a) An annual bonus equal to 10 percent of the prior  
 1244 fiscal year's statewide average salary for classroom teachers to  
 1245 be distributed to the school district to be paid to each  
 1246 individual classroom teacher who holds NBPTS certification and  
 1247 is employed by the district school board or by a public school  
 1248 within the school district. For a classroom teacher who attains  
 1249 NBPTS certification after July 1, 2009, in order to be eligible  
 1250 for a bonus, the individual shall teach in a low-performing  
 1251 school as determined by the State Board of Education. The  
 1252 district school board shall distribute the annual bonus to each  
 1253 individual who meets the requirements of this paragraph and who  
 1254 is certified annually by the district to have demonstrated  
 1255 satisfactory teaching performance pursuant to s. 1012.34. The  
 1256 annual bonus may be paid as a single payment or divided into not  
 1257 more than three payments.

1258 (4) The State Board of Education may adopt rules to  
 1259 administer the provisions for payment of the bonuses and to  
 1260 establish definitions of low-performing schools and determine  
 1261 the eligibility of teachers.

1262 Section 33. Paragraphs (f), (g), and (h) are added to  
 1263 subsection (2) of section 1013.62, Florida Statutes, to read:

1264 1013.62 Charter schools capital outlay funding.--

1265 (2) A charter school's governing body may use charter  
 1266 school capital outlay funds for the following purposes:

1267 (f) Effective July 1, 2008, purchase, lease-purchase, or  
 1268 lease of new and replacement equipment, and enterprise resource  
 1269 software applications that are classified as capital assets in  
 1270 accordance with definitions of the Governmental Accounting

1271 Standards Board, have a useful life of at least 5 years, and are  
 1272 used to support schoolwide administration or state-mandated  
 1273 reporting requirements.

1274 (g) Payment of the cost of premiums for property and  
 1275 casualty insurance necessary to insure the school facilities.

1276 (h) Purchase, lease-purchase, or lease of driver's  
 1277 education vehicles; motor vehicles used for the maintenance or  
 1278 operation of plants and equipment; security vehicles; or  
 1279 vehicles used in storing or distributing materials and  
 1280 equipment.

1281  
 1282 Conversion charter schools may use capital outlay funds received  
 1283 through the reduction in the administrative fee provided in s.  
 1284 1002.33(20) for renovation, repair, and maintenance of school  
 1285 facilities that are owned by the sponsor.

1286 Section 34. Paragraph (b) of subsection (6) of section  
 1287 1013.64, Florida Statutes, as amended by chapter 2009-3, Laws of  
 1288 Florida, is amended, and subsection (7) is added to that  
 1289 section, to read:

1290 1013.64 Funds for comprehensive educational plant needs;  
 1291 construction cost maximums for school district capital  
 1292 projects.--Allocations from the Public Education Capital Outlay  
 1293 and Debt Service Trust Fund to the various boards for capital  
 1294 outlay projects shall be determined as follows:

1295 (6)

1296 (b)1. A district school board, including a district school  
 1297 board of an academic performance-based charter school district,  
 1298 must not use funds from the following sources: Public Education

1299 Capital Outlay and Debt Service Trust Fund; School District and  
 1300 Community College District Capital Outlay and Debt Service Trust  
 1301 Fund; Classrooms First Program funds provided in s. 1013.68;  
 1302 effort index grant funds provided in s. 1013.73; nonvoted 1.5-  
 1303 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.  
 1304 1011.71(2); Classrooms for Kids Program funds provided in s.  
 1305 1013.735; District Effort Recognition Program funds provided in  
 1306 s. 1013.736; or High Growth District Capital Outlay Assistance  
 1307 Grant Program funds provided in s. 1013.738 for any new  
 1308 construction of educational plant space with a total cost per  
 1309 student station, including change orders, that equals more than:  
 1310 a. \$17,952 for an elementary school,  
 1311 b. \$19,386 for a middle school, or  
 1312 c. \$25,181 for a high school,

1313  
 1314 (January 2006) as adjusted annually to reflect increases or  
 1315 decreases in the Consumer Price Index.

1316 2. A district school board must not use funds from the  
 1317 Public Education Capital Outlay and Debt Service Trust Fund or  
 1318 the School District and Community College District Capital  
 1319 Outlay and Debt Service Trust Fund for any new construction of  
 1320 an ancillary plant that exceeds 70 percent of the average cost  
 1321 per square foot of new construction for all schools.

1322 (7) Notwithstanding subsection (2), the district school  
 1323 board of Wakulla County shall contribute 1 mill in the 2009-2010  
 1324 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the  
 1325 cost of currently funded special facilities construction  
 1326 projects. The district school board of Liberty County shall



1327 contribute 1 mill for each of the fiscal years from the 2009-  
1328 2010 fiscal year through the 2011-2012 fiscal year to the cost  
1329 of currently funded special facilities construction projects. If  
1330 funds are made available in the General Appropriations Act for  
1331 the 2009-2010 fiscal year for the district school board of  
1332 Calhoun County from the Special Facility Construction Account,  
1333 the district school board of Calhoun County shall contribute  
1334 1.125 mills for each of the fiscal years from the 2009-2010  
1335 fiscal year through the 2012-2013 fiscal year to the cost of  
1336 currently funded special facilities construction projects.

1337 Section 35. Section 9 of chapter 2008-142, Laws of  
1338 Florida, is repealed.

1339 Section 36. In order to implement Specific Appropriations  
1340 6, 7, 76, and 77 of the General Appropriations Act for the 2009-  
1341 2010 fiscal year, the calculations of the Florida Education  
1342 Finance Program for the 2009-2010 fiscal year in the document  
1343 entitled "Public School Funding - The Florida Education Finance  
1344 Program," dated April X, 2009, and filed with the Clerk of the  
1345 House of Representatives, are incorporated by reference for the  
1346 purpose of displaying the calculations used by the Legislature,  
1347 consistent with requirements of the Florida Statutes, in making  
1348 appropriations and reductions in appropriations for the Florida  
1349 Education Finance Program.

1350 Section 37. This act shall take effect July 1, 2009;  
1351 however, the provisions of s. 1011.71, Florida Statutes, as  
1352 amended by this act, shall operate retroactively to July 1,  
1353 2008.