

1 A bill to be entitled
2 An act relating to education funding; amending s. 218.503,
3 F.S.; providing for a reduction in salary for certain
4 school district employees when a state of financial
5 emergency within the district continues beyond a specified
6 period; amending s. 1002.53, F.S.; conforming provisions;
7 amending s. 1002.61, F.S.; increasing the number of
8 students authorized for a summer prekindergarten class;
9 conforming cross-references; amending s. 1002.63, F.S.;
10 eliminating certain eligibility requirements for
11 delivering a prekindergarten program during the school
12 year; amending s. 1002.71, F.S.; providing for separate
13 base student allocations for school-year and summer
14 prekindergarten programs; revising the formula for
15 calculating and reporting full-time equivalent student
16 enrollment; providing certain restrictions with respect to
17 a child who reenrolls in a prekindergarten program;
18 requiring that certain administrative procedures be
19 automated; decreasing the amount that an early learning
20 coalition may expend for administrative purposes; amending
21 s. 1002.73, F.S.; conforming provisions; amending s.
22 1003.03, F.S.; authorizing the Commissioner of Education
23 to recommend a greater reduction in the amount allocated
24 for transfer to a district's fixed capital outlay fund;
25 creating s. 1011.051, F.S.; requiring district school
26 boards to maintain a general fund balance sufficient to
27 address contingencies; specifying procedures for the
28 district to follow if the operating budget falls below

29 | specified percentages; requiring modification of
 30 | collective bargaining agreements under certain
 31 | circumstances; amending s. 1011.71, F.S.; authorizing the
 32 | purchase of certain enterprise resource software
 33 | applications with revenues from the district school tax
 34 | levy; revising provisions and eliminating restrictions
 35 | relating to the expenditure of revenues from the district
 36 | school tax levy; amending s. 1011.73, F.S.; conforming a
 37 | cross-reference; amending s. 1013.64, F.S.; conforming
 38 | provisions; requiring Merit Award Program awards for
 39 | personnel in 2008-2009 to be paid in fiscal year 2009-2010
 40 | to the extent funds are available and appropriated in
 41 | fiscal year 2009-2010; incorporating by reference certain
 42 | calculations of the Florida Education Finance Program for
 43 | the 2008-2009 fiscal year; repealing s. 11 of ch. 2008-142
 44 | and s. 2 of ch. 2008-213, Laws of Florida, relating to the
 45 | expiration and reversion of certain district school tax
 46 | provisions, to conform; providing for contingent
 47 | retroactive application of specified provisions of the
 48 | act; providing an effective date.

49 |
 50 | Be It Enacted by the Legislature of the State of Florida:

51 |
 52 | Section 1. Present subsections (4) and (5) of section
 53 | 218.503, Florida Statutes, are renumbered as subsections (5) and
 54 | (6), respectively, and a new subsection (4) is added to that
 55 | section to read:

56 | 218.503 Determination of financial emergency.--

57 (4) Notwithstanding ss. 1001.395 and 1001.47, if the
 58 Commissioner of Education determines that the measures imposed
 59 pursuant to subsection (3) have not eliminated a state of
 60 financial emergency in a school district within 30 days after
 61 the date the financial emergency was declared to exist, the
 62 salary of each district school board member, the district
 63 superintendent, and each district employee shall be reduced
 64 proportionately in an amount necessary to provide for an
 65 unreserved general fund balance of 2 percent of general fund
 66 revenues in the district's operating budget.

67 Section 2. Paragraph (c) of subsection (3) of section
 68 1002.53, Florida Statutes, is amended to read:

69 1002.53 Voluntary Prekindergarten Education Program;
 70 eligibility and enrollment.--

71 (3) The parent of each child eligible under subsection (2)
 72 may enroll the child in one of the following programs:

73 (c) A school-year prekindergarten program delivered by a
 74 public school, ~~if offered by a school district that is eligible~~
 75 ~~under s. 1002.63.~~

76
 77 Except as provided in s. 1002.71(4), a child may not enroll in
 78 more than one of these programs.

79 Section 3. Subsections (4) and (7) of section 1002.61,
 80 Florida Statutes, are amended to read:

81 1002.61 Summer prekindergarten program delivered by public
 82 schools and private prekindergarten providers.--

83 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)
 84 ~~1002.63(5)~~, each public school and private prekindergarten

85 provider must have, for each prekindergarten class, at least one
 86 prekindergarten instructor who:

- 87 (a) Is a certified teacher; or
- 88 (b) Holds one of the educational credentials specified in
 89 s. 1002.55(4) (a) or (b).

90
 91 As used in this subsection, the term "certified teacher" means a
 92 teacher holding a valid Florida educator certificate under s.
 93 1012.56 who has the qualifications required by the district
 94 school board to instruct students in the summer prekindergarten
 95 program. In selecting instructional staff for the summer
 96 prekindergarten program, each school district shall give
 97 priority to teachers who have experience or coursework in early
 98 childhood education.

99 (7) Notwithstanding ss. 1002.55(3) (f) and 1002.63(7)
 100 ~~1002.63(8)~~, each prekindergarten class in the summer
 101 prekindergarten program, regardless of whether the class is a
 102 public school's or private prekindergarten provider's class,
 103 must be composed of at least 4 students but may not exceed 12 ~~10~~
 104 students beginning with the 2009 summer session. In order to
 105 protect the health and safety of students, each public school or
 106 private prekindergarten provider must also provide appropriate
 107 adult supervision for students at all times. This subsection
 108 does not supersede any requirement imposed on a provider under
 109 ss. 402.301-402.319.

110 Section 4. Section 1002.63, Florida Statutes, is amended
 111 to read:

112 1002.63 School-year prekindergarten program delivered by

113 public schools.--

114 (1) Each school district ~~eligible under subsection (4)~~ may
115 administer the Voluntary Prekindergarten Education Program at
116 the district level for students enrolled under s. 1002.53(3)(c)
117 in a school-year prekindergarten program delivered by a public
118 school.

119 (2) Each school-year prekindergarten program delivered by
120 a public school must comprise at least 540 instructional hours.

121 (3) The district school board of each school district
122 ~~eligible under subsection (4)~~ shall determine which public
123 schools in the district may ~~are eligible to~~ deliver the
124 prekindergarten program during the school year.

125 ~~(4) To be eligible to deliver the prekindergarten program~~
126 ~~during the school year, each school district must meet both of~~
127 ~~the following requirements:~~

128 ~~(a) The district school board must certify to the State~~
129 ~~Board of Education that the school district:~~

130 ~~1. Has reduced the average class size in each classroom in~~
131 ~~accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX~~
132 ~~of the State Constitution; and~~

133 ~~2. Has sufficient satisfactory educational facilities and~~
134 ~~capital outlay funds to continue reducing the average class size~~
135 ~~in each classroom in the district's elementary schools for each~~
136 ~~year in accordance with the schedule for class size reduction~~
137 ~~and to achieve full compliance with the maximum class sizes in~~
138 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~
139 ~~the 2010-2011 school year.~~

140 ~~(b) The Commissioner of Education must certify to the~~

141 ~~State Board of Education that the department has reviewed the~~
 142 ~~school district's educational facilities, capital outlay funds,~~
 143 ~~and projected student enrollment and concurs with the district~~
 144 ~~school board's certification under paragraph (a).~~

145 (4)~~(5)~~ Each public school must have, for each
 146 prekindergarten class, at least one prekindergarten instructor
 147 who meets each requirement in s. 1002.55(3)(c) for a
 148 prekindergarten instructor of a private prekindergarten
 149 provider.

150 (5)~~(6)~~ Each prekindergarten instructor employed by a
 151 public school delivering the school-year prekindergarten program
 152 must be of good moral character, must be screened using the
 153 level 2 screening standards in s. 435.04 before employment and
 154 rescreened at least once every 5 years, must be denied
 155 employment or terminated if required under s. 435.06, and must
 156 not be ineligible to teach in a public school because his or her
 157 educator certificate is suspended or revoked. This subsection
 158 does not supersede employment requirements for instructional
 159 personnel in public schools which are more stringent than the
 160 requirements of this subsection.

161 (6)~~(7)~~ A public school prekindergarten provider may assign
 162 a substitute instructor to temporarily replace a credentialed
 163 instructor if the credentialed instructor assigned to a
 164 prekindergarten class is absent, as long as the substitute
 165 instructor is of good moral character and has been screened
 166 before employment in accordance with level 2 background
 167 screening requirements in chapter 435. This subsection does not
 168 supersede employment requirements for instructional personnel in

169 public schools which are more stringent than the requirements of
 170 this subsection. The Agency for Workforce Innovation shall adopt
 171 rules to implement this subsection which shall include required
 172 qualifications of substitute instructors and the circumstances
 173 and time limits for which a public school prekindergarten
 174 provider may assign a substitute instructor.

175 (7)~~(8)~~ Each prekindergarten class in a public school
 176 delivering the school-year prekindergarten program must be
 177 composed of at least 4 students but may not exceed 18 students.
 178 In order to protect the health and safety of students, each
 179 school must also provide appropriate adult supervision for
 180 students at all times and, for each prekindergarten class
 181 composed of 11 or more students, must have, in addition to a
 182 prekindergarten instructor who meets the requirements of s.
 183 1002.55(3)(c), at least one adult prekindergarten instructor who
 184 is not required to meet those requirements but who must meet
 185 each requirement of subsection (5) ~~(6)~~.

186 (8)~~(9)~~ Each public school delivering the school-year
 187 prekindergarten program must:

188 (a) Register with the early learning coalition on forms
 189 prescribed by the Agency for Workforce Innovation; and

190 (b) Deliver the Voluntary Prekindergarten Education
 191 Program in accordance with this part.

192 Section 5. Subsections (3) and (4), paragraph (d) of
 193 subsection (6), and subsection (7) of section 1002.71, Florida
 194 Statutes, are amended to read:

195 1002.71 Funding; financial and attendance reporting.--

196 (3)(a) A separate ~~The~~ base student allocation per full-

197 time equivalent student in the Voluntary Prekindergarten
 198 Education Program shall be provided in the General
 199 Appropriations Act for a school-year prekindergarten program and
 200 for a summer prekindergarten program. The base student
 201 allocation for a school-year prekindergarten program and shall
 202 be equal for each student, regardless of whether the student is
 203 enrolled in a school-year prekindergarten program delivered by a
 204 public school or a private prekindergarten provider. The base
 205 student allocation for, a summer prekindergarten program shall
 206 be equal for each student, regardless of whether the student is
 207 enrolled in a summer prekindergarten program delivered by a
 208 public school or a private prekindergarten provider, ~~or a~~
 209 ~~school-year prekindergarten program delivered by a public~~
 210 ~~school.~~

211 (b) Each county's allocation per full-time equivalent
 212 student in the Voluntary Prekindergarten Education Program shall
 213 be calculated annually by multiplying the base student
 214 allocation provided in the General Appropriations Act by the
 215 county's district cost differential provided in s. 1011.62(2).
 216 Each private prekindergarten provider and public school shall be
 217 paid in accordance with the county's allocation per full-time
 218 equivalent student.

219 (c) The initial allocation shall be based on estimated
 220 student enrollment in each coalition service area. The Agency
 221 for Workforce Innovation shall reallocate funds among the
 222 coalitions based on actual full-time equivalent student
 223 enrollment in each coalition service area.

224 (d) For programs offered by school districts pursuant to

225 s. 1002.61 and beginning with the 2009 summer program, each
 226 district's funding shall be based on a full-time equivalent
 227 student enrollment that is evenly divisible by 12 ~~10~~. If the
 228 result of dividing a district's full-time equivalent student
 229 enrollment by 12 ~~10~~ is not a whole number, the district's
 230 enrollment calculation shall be adjusted by adding the minimum
 231 number of full-time equivalent students to produce a full-time
 232 equivalent student enrollment calculation that is evenly
 233 divisible by 12 ~~10~~.

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

235 (a) A child who, for any of the prekindergarten programs
 236 listed in s. 1002.53(3), has not completed more than 10 percent
 237 of the hours authorized to be reported for funding under
 238 subsection (2) may withdraw from the program for good cause,
 239 reenroll in one of the programs, and be reported for funding
 240 purposes as a full-time equivalent student in the program for
 241 which the child is reenrolled. The total funding for a child who
 242 reenrolls in the same program shall not exceed one full-time
 243 equivalent student.

244 (b) A child who has not substantially completed any of the
 245 prekindergarten programs listed in s. 1002.53(3) may withdraw
 246 from the program due to an extreme hardship that is beyond the
 247 child's or parent's control, reenroll in one of the summer
 248 programs, and be reported for funding purposes as a full-time
 249 equivalent student in the summer program for which the child is
 250 reenrolled.

251
 252 A child may reenroll only once in a prekindergarten program

253 | under this section. A child who reenrolls in a prekindergarten
254 | program under this subsection may not subsequently withdraw from
255 | the program and reenroll. The Agency for Workforce Innovation
256 | shall establish criteria specifying whether a good cause exists
257 | for a child to withdraw from a program under paragraph (a),
258 | whether a child has substantially completed a program under
259 | paragraph (b), and whether an extreme hardship exists which is
260 | beyond the child's or parent's control under paragraph (b).

261 | (6)

262 | (d) The Agency for Workforce Innovation shall adopt, for
263 | funding purposes, a uniform attendance policy for the Voluntary
264 | Prekindergarten Education Program. The attendance policy must
265 | apply statewide and apply equally to all private prekindergarten
266 | providers and public schools. The attendance policy must
267 | establish a minimum requirement for student attendance and
268 | include the following provisions:

269 | 1. Beginning with the 2009-2010 fiscal year for school-
270 | year programs and the 2009 summer program, a student who meets
271 | the minimum requirement of 80 percent of the total number of
272 | hours for the program may be reported as a full-time equivalent
273 | student for funding purposes.

274 | 2. A student who does not meet the minimum requirement may
275 | be reported only as a fractional part of a full-time equivalent
276 | student, reduced pro rata based on the student's attendance.

277 | 3. A student who does not meet the minimum requirement may
278 | be reported as a full-time equivalent student if the student is
279 | absent for good cause in accordance with exceptions specified in
280 | the uniform attendance policy.

281
282 The uniform attendance policy shall be used only for funding
283 purposes and does not prohibit a private prekindergarten
284 provider or public school from adopting and enforcing its
285 attendance policy under paragraphs (a) and (c).

286 (7) The Agency for Workforce Innovation shall require that
287 administrative expenditures be kept to the minimum necessary for
288 efficient and effective administration of the Voluntary
289 Prekindergarten Education Program. Administrative policies and
290 procedures shall be revised, to the maximum extent practicable,
291 to incorporate the use of automation and electronic submission
292 of forms, including those required for child eligibility and
293 enrollment, provider and class registration, and monthly
294 certification of attendance for payment. Beginning with the
295 2008-2009 fiscal year, each early learning coalition may retain
296 and expend no more than 4.85 ~~5~~ percent of the funds paid by the
297 coalition to private prekindergarten providers and public
298 schools under paragraph (5) (b). Funds retained by an early
299 learning coalition under this subsection may be used only for
300 administering the Voluntary Prekindergarten Education Program
301 and may not be used for the school readiness program or other
302 programs.

303 Section 6. Paragraphs (c) and (d) of subsection (2) of
304 section 1002.73, Florida Statutes, are amended to read:

305 1002.73 Department of Education; powers and duties;
306 accountability requirements.--

307 (2) The department shall adopt procedures for the
308 department's:

309 ~~(c) Certification of school districts that are eligible to~~
 310 ~~deliver the school-year prekindergarten program under s.~~
 311 ~~1002.63.~~

312 (c) ~~(d)~~ Administration of the statewide kindergarten
 313 screening and calculation of kindergarten readiness rates under
 314 s. 1002.69.

315 Section 7. Paragraph (a) of subsection (4) of section
 316 1003.03, Florida Statutes, is amended to read:

317 1003.03 Maximum class size.--

318 (4) ACCOUNTABILITY.--

319 (a)1. Beginning in the 2003-2004 fiscal year, if the
 320 department determines for any year that a school district has
 321 not reduced average class size as required in subsection (2) at
 322 the time of the third FEFP calculation, the department shall
 323 calculate an amount from the class size reduction operating
 324 categorical which is proportionate to the amount of class size
 325 reduction not accomplished. Upon verification of the
 326 department's calculation by the Florida Education Finance
 327 Program Appropriation Allocation Conference and not later than
 328 March 1 of each year, the Executive Office of the Governor shall
 329 transfer undistributed funds equivalent to the calculated amount
 330 from the district's class size reduction operating categorical
 331 to an approved fixed capital outlay appropriation for class size
 332 reduction in the affected district pursuant to s. 216.292(2)(d).
 333 The amount of funds transferred shall be the lesser of the
 334 amount verified by the Florida Education Finance Program
 335 Appropriation Allocation Conference or the undistributed balance
 336 of the district's class size reduction operating categorical.

337 2. In lieu of the transfer required by subparagraph 1.,
338 the Commissioner of Education may recommend a budget amendment,
339 subject to approval by the Legislative Budget Commission, to
340 transfer an alternative amount of funds from the district's
341 class size reduction operating categorical to its approved fixed
342 capital outlay account for class size reduction if the
343 commissioner finds that the State Board of Education has
344 reviewed evidence indicating that a district has been unable to
345 meet class size reduction requirements despite appropriate
346 effort to do so. The commissioner's budget amendment must be
347 submitted to the Legislative Budget Commission by February 15 of
348 each year.

349 3. For the 2007-2008 fiscal year and thereafter, if in any
350 fiscal year funds from a district's class size operating
351 categorical are required to be transferred to its fixed capital
352 outlay fund and the district's class size operating categorical
353 allocation in the General Appropriations Act for that fiscal
354 year has been reduced by a subsequent appropriation, the
355 Commissioner of Education may recommend a 50-percent ~~10-percent~~
356 reduction in the amount of the transfer.

357 Section 8. Section 1011.051, Florida Statutes, is created
358 to read:

359 1011.051 Guidelines for general funds.--The district
360 school board shall maintain an unreserved general fund balance
361 that is sufficient to address normal contingencies. If at any
362 time the unreserved general fund in the district's approved
363 operating budget falls below:

364 (1) Five percent of projected general fund revenues, the

365 superintendent shall provide written notification to the
 366 district school board and the Commissioner of Education.

367 (2) Two percent of projected general fund revenues, the
 368 provisions of s. 447.4095 shall be followed for the purpose of
 369 modifying existing collective bargaining agreements as necessary
 370 to avoid a financial emergency within the school district as
 371 provided under part V of chapter 218. If the parties fail to
 372 reach agreement and proceed to implement the provisions of s.
 373 447.403, the superintendent shall provide written notification
 374 to the Commissioner of Education, the dispute shall be resolved
 375 through an expedited impasse hearing, and the timelines
 376 prescribed in s. 447.403(2)(c) shall apply.

377 Section 9. Paragraph (d) of subsection (2) and subsections
 378 (4) through (8) of section 1011.71, Florida Statutes, are
 379 amended, and paragraphs (k) and (l) are added to subsection (2)
 380 of that section, to read:

381 1011.71 District school tax.--

382 (2) In addition to the maximum millage levy as provided in
 383 subsection (1), each school board may levy not more than 1.75
 384 mills against the taxable value for school purposes for district
 385 schools, including charter schools at the discretion of the
 386 school board, to fund:

387 (d) The purchase, lease-purchase, or lease of new and
 388 replacement equipment, and enterprise resource software
 389 applications that are classified as capital assets in accordance
 390 with definitions of the Governmental Accounting Standards Board,
 391 have a useful life of at least 5 years, and are used to support
 392 district-wide administration or state mandated reporting

393 requirements.

394 (k) Payment of the cost of premiums for property and
395 casualty insurance necessary to insure school district
396 educational and ancillary plants as required by ss.
397 1001.42(11) (d) and 1001.51(11) (k).

398 (l) The purchase, lease-purchase, or lease of driver's
399 education vehicles; motor vehicles used for the maintenance or
400 operation of plants and equipment; security vehicles; or
401 vehicles used in storing or distributing materials and
402 equipment.

403 ~~(4) A school district that has met the reduction~~
404 ~~requirements regarding class size for the 2008-2009 fiscal year~~
405 ~~pursuant to s. 1003.03 for K-12 students for whom the school~~
406 ~~district provides the educational facilities and governs~~
407 ~~operations and certifies to the Commissioner of Education that~~
408 ~~the district does not need all of its discretionary 1.75-mill~~
409 ~~capital improvement revenue for capital outlay purposes and all~~
410 ~~of the district's instructional space needs for the next 5 years~~
411 ~~can be met from capital outlay sources that the district~~
412 ~~reasonably expects to receive during the next 5 years from local~~
413 ~~revenues and from currently appropriated state facilities~~
414 ~~funding or from alternative scheduling or construction, leasing,~~
415 ~~rezoning, or technological methodologies that exhibit sound~~
416 ~~management may expend, subject to the provisions of s. 200.065,~~
417 ~~up to \$65 per unweighted full-time equivalent student from the~~
418 ~~revenue generated by the 2008-2009 millage levy authorized by~~
419 ~~subsection (2) to fund, in addition to expenditures authorized~~
420 ~~in paragraphs (2) (a) - (j), 2008-2009 expenses for the following:~~

421 ~~(a) The purchase, lease purchase, or lease of driver's~~
422 ~~education vehicles; motor vehicles used for the maintenance or~~
423 ~~operation of plants and equipment; security vehicles; or~~
424 ~~vehicles used in storing or distributing materials and~~
425 ~~equipment.~~

426 ~~(b) Payment of the cost of premiums for property and~~
427 ~~casualty insurance necessary to insure school district~~
428 ~~educational and ancillary plants. Operating revenues that are~~
429 ~~made available through the payment of property and casualty~~
430 ~~insurance premiums from revenues generated under this subsection~~
431 ~~may be expended only for nonrecurring operational expenditures~~
432 ~~of the school district.~~

433 ~~(4)(5)~~ Violations of the expenditure provisions in
434 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar
435 reduction in the Florida Education Finance Program (FEFP) funds
436 for the violating district in the fiscal year following the
437 audit citation.

438 ~~(5)(6)~~ These taxes shall be certified, assessed, and
439 collected as prescribed in s. 1011.04 and shall be expended as
440 provided by law.

441 ~~(6)(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
442 construed to increase the maximum school millage levies as
443 provided for in subsection (1).

444 ~~(7)(8)~~ In addition to the maximum millage levied under
445 this section and the General Appropriations Act, a school
446 district may levy, by local referendum or in a general election,
447 additional millage for school operational purposes up to an
448 amount that, when combined with nonvoted millage levied under

449 | this section, does not exceed the 10-mill limit established in
 450 | s. 9(b), Art. VII of the State Constitution. Any such levy shall
 451 | be for a maximum of 4 years and shall be counted as part of the
 452 | 10-mill limit established in s. 9(b), Art. VII of the State
 453 | Constitution. Millage elections conducted under the authority
 454 | granted pursuant to this section are subject to s. 1011.73.
 455 | Funds generated by such additional millage do not become a part
 456 | of the calculation of the Florida Education Finance Program
 457 | total potential funds in 2001-2002 or any subsequent year and
 458 | must not be incorporated in the calculation of any hold-harmless
 459 | or other component of the Florida Education Finance Program
 460 | formula in any year. If an increase in required local effort,
 461 | when added to existing millage levied under the 10-mill limit,
 462 | would result in a combined millage in excess of the 10-mill
 463 | limit, any millage levied pursuant to this subsection shall be
 464 | considered to be required local effort to the extent that the
 465 | district millage would otherwise exceed the 10-mill limit.

466 | Section 10. Subsection (2) of section 1011.73, Florida
 467 | Statutes, is amended to read:

468 | 1011.73 District millage elections.--

469 | (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
 470 | district school board, pursuant to resolution adopted at a
 471 | regular meeting, shall direct the county commissioners to call
 472 | an election at which the electors within the school district may
 473 | approve an ad valorem tax millage as authorized under s.
 474 | 1011.71(7) ~~1011.71(8)~~. Such election may be held at any time,
 475 | except that not more than one such election shall be held during
 476 | any 12-month period. Any millage so authorized shall be levied

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477 for a period not in excess of 4 years or until changed by
478 another millage election, whichever is earlier. If any such
479 election is invalidated by a court of competent jurisdiction,
480 such invalidated election shall be considered not to have been
481 held.

482 Section 11. Paragraph (b) of subsection (6) of section
483 1013.64, Florida Statutes, is amended to read:

484 1013.64 Funds for comprehensive educational plant needs;
485 construction cost maximums for school district capital
486 projects.--Allocations from the Public Education Capital Outlay
487 and Debt Service Trust Fund to the various boards for capital
488 outlay projects shall be determined as follows:

489 (6)

490 (b)1. A district school board, including a district school
491 board of an academic performance-based charter school district,
492 must not use funds from the following sources: Public Education
493 Capital Outlay and Debt Service Trust Fund; School District and
494 Community College District Capital Outlay and Debt Service Trust
495 Fund; Classrooms First Program funds provided in s. 1013.68;
496 effort index grant funds provided in s. 1013.73; nonvoted 1.75-
497 mill ~~2-mill~~ levy of ad valorem property taxes provided in s.
498 1011.71(2); Classrooms for Kids Program funds provided in s.
499 1013.735; District Effort Recognition Program funds provided in
500 s. 1013.736; or High Growth District Capital Outlay Assistance
501 Grant Program funds provided in s. 1013.738 for any new
502 construction of educational plant space with a total cost per
503 student station, including change orders, that equals more than:

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

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

506 c. \$25,181 for a high school,

507

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

510 2. A district school board must not use funds from the
511 Public Education Capital Outlay and Debt Service Trust Fund or
512 the School District and Community College District Capital
513 Outlay and Debt Service Trust Fund for any new construction of
514 an ancillary plant that exceeds 70 percent of the average cost
515 per square foot of new construction for all schools.

516 Section 12. Merit awards for instructional personnel and
517 school-based administrators selected for the Merit Award Program
518 in 2008-2009, pursuant to s. 1012.225, Florida Statutes, are
519 required to be paid in fiscal year 2009-2010 only to the extent
520 funds are available and specifically appropriated in fiscal year
521 2009-2010.

522 Section 13. In order to implement Specific Appropriations
523 2, 3, and 35 through 38 of the Special Appropriations Act for
524 the 2008-2009 fiscal year, the calculations of the Florida
525 Education Finance Program for the 2008-2009 fiscal year in the
526 document entitled "Public School Funding - The Florida Education
527 Finance Program," dated January , 2009, and filed with the
528 Clerk of the House of Representatives are incorporated by
529 reference for the purpose of displaying the calculations used by
530 the Legislature, consistent with requirements of the Florida
531 Statutes, in making appropriations and reductions in
532 appropriations for the Florida Education Finance Program.

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533 Section 14. Section 11 of chapter 2008-142 and section 2
534 of chapter 2008-213, Laws of Florida, are repealed.

535 Section 15. This act shall take effect February 1, 2009,
536 or upon becoming a law, whichever occurs later; however, if this
537 act becomes a law after February 1, 2009, ss. 1002.53, 1002.61,
538 1002.63, 1002.71, and 1002.73, Florida Statutes, as amended by
539 this act, shall operate retroactively to February 1, 2009.