

By the Committee on Education Pre-K - 12 Appropriations and
Senator Wise

602-00112-09A

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1 A bill to be entitled
2 An act relating to education funding; amending s.
3 218.503, F.S.; providing for a reduction in salary for
4 certain school district employees when a state of
5 financial emergency within the district continues
6 beyond a specified period; amending ss. 1001.42 and
7 1001.50, F.S.; prohibiting a district school board
8 from entering into an employment contract that
9 provides for payment of an amount greater than 1 year
10 of an employee's or superintendent's annual salary for
11 termination, buy-out, or other type of settlement;
12 amending s. 1002.53, F.S., relating to the Voluntary
13 Prekindergarten Education Program; conforming
14 provisions to changes made by the act; amending s.
15 1002.61, F.S.; increasing the number of students
16 authorized for a summer prekindergarten class;
17 conforming cross-references; amending s. 1002.63,
18 F.S.; eliminating certain eligibility requirements for
19 delivering a prekindergarten program during the school
20 year; amending s. 1002.71, F.S.; providing for
21 separate base student allocations for school-year and
22 summer prekindergarten programs; revising the formula
23 for calculating and reporting full-time equivalent
24 student enrollment; providing certain restrictions
25 with respect to a child who reenrolls in a
26 prekindergarten program; requiring that certain
27 administrative procedures be automated; decreasing the
28 amount that an early learning coalition may expend for
29 administrative purposes; amending s. 1002.73, F.S.;

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30 revising duties of the Department of Education, to
31 conform; amending s. 1006.40, F.S.; waiving, for the
32 adoption cycle of the 2008-2009 academic year, the
33 requirement that district school boards purchase
34 instructional materials in core courses; creating s.
35 1011.051, F.S.; requiring that district school boards
36 maintain an unreserved general fund balance sufficient
37 to address contingencies; specifying procedures for
38 the district to follow if the operating budget falls
39 below specified percentages or projected general fund
40 revenues; requiring that collective bargaining
41 agreements make adequate provisions for maintaining
42 the required general fund balances; providing that a
43 collective bargaining agreement entered into after the
44 effective date of the act which fails to comply with
45 the act is void and unenforceable; requiring
46 modification of collective bargaining agreements under
47 circumstances involving financial urgency; amending s.
48 1011.71, F.S.; authorizing the purchase of certain
49 enterprise resource software applications with
50 proceeds of the district school tax; eliminating
51 certain restrictions on the expenditure of revenues
52 from the district school tax levy; providing for
53 future expiration of such provisions; amending s.
54 1013.64, F.S., relating to funds for constructing
55 educational plant space; conforming provisions;
56 providing for a reduction in salary of district school
57 board members for a specified period, notwithstanding
58 certain provisions; providing for awards for

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59 instructional personnel and school-based
60 administrators under the Merit Award Program to be
61 paid only to the extent funded in the 2009-2010 fiscal
62 year; incorporating by reference certain calculations
63 of the Florida Education Finance Program for the 2008-
64 2009 fiscal year; providing for contingent retroactive
65 application of specified provisions of the act;
66 providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Present subsections (4) and (5) of section
71 218.503, Florida Statutes, are renumbered as subsections (5) and
72 (6), respectively, and a new subsection (4) is added to that
73 section, to read:

74 218.503 Determination of financial emergency.—

75 (4) Notwithstanding ss. 1001.395 and 1001.47, if the
76 Commissioner of Education determines that the measures imposed
77 pursuant to subsection (3) have not eliminated a state of
78 financial emergency in a school district within 30 days after
79 the date the condition was declared to exist, the salary of each
80 district school board member, the district superintendent, and
81 each district employee shall be reduced proportionately in an
82 amount necessary to prevent a deficit in the unreserved general
83 fund of the district's operating budget during the remainder of
84 the fiscal year.

85 Section 2. Present subsection (25) of section 1001.42,
86 Florida Statutes, is renumbered as subsection (26), and a new
87 subsection (25) is added to that section, to read:

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88 1001.42 Powers and duties of district school board.—The
89 district school board, acting as a board, shall exercise all
90 powers and perform all duties listed below:

91 (25) EMPLOYMENT CONTRACTS.—On or after February 1, 2009, a
92 district school board may not enter into an employment contract
93 that is funded from state funds and that requires the district
94 to pay an employee an amount in excess of 1 year of the
95 employee's annual salary for termination, buy-out, or any other
96 type of contract settlement.

97 Section 3. Subsection (2) of section 1001.50, Florida
98 Statutes, is amended to read:

99 1001.50 Superintendents employed under Art. IX of the State
100 Constitution.—

101 (2) The district school board of each of such districts
102 shall enter into contracts of employment with the district
103 school superintendent and shall adopt rules relating to his or
104 her appointment; however, on or after February 1, 2009, the
105 district school board may not enter into an employment contract
106 that is funded from state funds and that requires the district
107 to pay a superintendent an amount in excess of 1 year of the
108 superintendent's annual salary for termination, buy-out, or any
109 other type of contract settlement.

110 Section 4. Paragraph (c) of subsection (3) of section
111 1002.53, Florida Statutes, is amended to read:

112 1002.53 Voluntary Prekindergarten Education Program;
113 eligibility and enrollment.—

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

116 (c) A school-year prekindergarten program delivered by a

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117 public school, ~~if offered by a school district that is eligible~~
118 ~~under s. 1002.63.~~

119

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

122 Section 5. Subsections (4) and (7) of section 1002.61,
123 Florida Statutes, are amended to read:

124 1002.61 Summer prekindergarten program delivered by public
125 schools and private prekindergarten providers.—

126 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)
127 ~~1002.63(5)~~, each public school and private prekindergarten
128 provider must have, for each prekindergarten class, at least one
129 prekindergarten instructor who:

130 (a) Is a certified teacher; or

131 (b) Holds one of the educational credentials specified in
132 s. 1002.55(4)(a) or (b).

133

134 As used in this subsection, the term "certified teacher" means a
135 teacher holding a valid Florida educator certificate under s.
136 1012.56 who has the qualifications required by the district
137 school board to instruct students in the summer prekindergarten
138 program. In selecting instructional staff for the summer
139 prekindergarten program, each school district shall give
140 priority to teachers who have experience or coursework in early
141 childhood education.

142 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7)
143 ~~1002.63(8)~~, each prekindergarten class in the summer
144 prekindergarten program, regardless of whether the class is a
145 public school's or private prekindergarten provider's class,

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146 must be composed of at least 4 students but may not exceed 12 ~~10~~
147 students beginning with the 2009 summer session. In order to
148 protect the health and safety of students, each public school or
149 private prekindergarten provider must also provide appropriate
150 adult supervision for students at all times. This subsection
151 does not supersede any requirement imposed on a provider under
152 ss. 402.301-402.319.

153 Section 6. Section 1002.63, Florida Statutes, is amended to
154 read:

155 1002.63 School-year prekindergarten program delivered by
156 public schools.—

157 (1) Each school district ~~eligible under subsection (4)~~ may
158 administer the Voluntary Prekindergarten Education Program at
159 the district level for students enrolled under s. 1002.53(3)(c)
160 in a school-year prekindergarten program delivered by a public
161 school.

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

164 (3) The district school board of each school district
165 ~~eligible under subsection (4)~~ shall determine which public
166 schools in the district may ~~are eligible to~~ deliver the
167 prekindergarten program during the school year.

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

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

173 ~~1. Has reduced the average class size in each classroom in~~
174 ~~accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX~~

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175 ~~of the State Constitution; and~~

176 ~~2. Has sufficient satisfactory educational facilities and~~
177 ~~capital outlay funds to continue reducing the average class size~~
178 ~~in each classroom in the district's elementary schools for each~~
179 ~~year in accordance with the schedule for class size reduction~~
180 ~~and to achieve full compliance with the maximum class sizes in~~
181 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~
182 ~~the 2010-2011 school year.~~

183 ~~(b) The Commissioner of Education must certify to the State~~
184 ~~Board of Education that the department has reviewed the school~~
185 ~~district's educational facilities, capital outlay funds, and~~
186 ~~projected student enrollment and concurs with the district~~
187 ~~school board's certification under paragraph (a).~~

188 (4)~~(5)~~ Each public school must have, for each
189 prekindergarten class, at least one prekindergarten instructor
190 who meets each requirement in s. 1002.55(3)(c) for a
191 prekindergarten instructor of a private prekindergarten
192 provider.

193 (5)~~(6)~~ Each prekindergarten instructor employed by a public
194 school delivering the school-year prekindergarten program must
195 be of good moral character, must be screened using the level 2
196 screening standards in s. 435.04 before employment and
197 rescreened at least once every 5 years, must be denied
198 employment or terminated if required under s. 435.06, and must
199 not be ineligible to teach in a public school because his or her
200 educator certificate is suspended or revoked. This subsection
201 does not supersede employment requirements for instructional
202 personnel in public schools which are more stringent than the
203 requirements of this subsection.

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204 (6)~~(7)~~ A public school prekindergarten provider may assign
205 a substitute instructor to temporarily replace a credentialed
206 instructor if the credentialed instructor assigned to a
207 prekindergarten class is absent, as long as the substitute
208 instructor is of good moral character and has been screened
209 before employment in accordance with level 2 background
210 screening requirements in chapter 435. This subsection does not
211 supersede employment requirements for instructional personnel in
212 public schools which are more stringent than the requirements of
213 this subsection. The Agency for Workforce Innovation shall adopt
214 rules to implement this subsection which shall include required
215 qualifications of substitute instructors and the circumstances
216 and time limits for which a public school prekindergarten
217 provider may assign a substitute instructor.

218 (7)~~(8)~~ Each prekindergarten class in a public school
219 delivering the school-year prekindergarten program must be
220 composed of at least 4 students but may not exceed 18 students.
221 In order to protect the health and safety of students, each
222 school must also provide appropriate adult supervision for
223 students at all times and, for each prekindergarten class
224 composed of 11 or more students, must have, in addition to a
225 prekindergarten instructor who meets the requirements of s.
226 1002.55(3)(c), at least one adult prekindergarten instructor who
227 is not required to meet those requirements but who must meet
228 each requirement of subsection (5) ~~(6)~~.

229 (8)~~(9)~~ Each public school delivering the school-year
230 prekindergarten program must:

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

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233 (b) Deliver the Voluntary Prekindergarten Education Program
234 in accordance with this part.

235 Section 7. Subsections (3) and (4), paragraph (d) of
236 subsection (6), and subsection (7) of section 1002.71, Florida
237 Statutes, are amended to read:

238 1002.71 Funding; financial and attendance reporting.—

239 (3) (a) A separate ~~The~~ base student allocation per full-time
240 equivalent student in the Voluntary Prekindergarten Education
241 Program shall be provided in the General Appropriations Act for
242 a school-year prekindergarten program and for a summer
243 prekindergarten program. The base student allocation for a
244 school-year program ~~and~~ shall be equal for each student,
245 regardless of whether the student is enrolled in a school-year
246 prekindergarten program delivered by a private prekindergarten
247 provider or a public school. The base student allocation for, a
248 summer prekindergarten program shall be equal for each student,
249 regardless of whether the student is enrolled in a summer
250 prekindergarten program delivered by a public school or private
251 prekindergarten provider, ~~or a school-year prekindergarten~~
252 ~~program delivered by a public school.~~

253 (b) Each county's allocation per full-time equivalent
254 student in the Voluntary Prekindergarten Education Program shall
255 be calculated annually by multiplying the base student
256 allocation provided in the General Appropriations Act by the
257 county's district cost differential provided in s. 1011.62(2).
258 Each private prekindergarten provider and public school shall be
259 paid in accordance with the county's allocation per full-time
260 equivalent student.

261 (c) The initial allocation shall be based on estimated

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262 student enrollment in each coalition service area. The Agency
263 for Workforce Innovation shall reallocate funds among the
264 coalitions based on actual full-time equivalent student
265 enrollment in each coalition service area.

266 (d) For programs offered by school districts pursuant to s.
267 1002.61 and beginning with the 2009 summer program, each
268 district's funding shall be based on a full-time equivalent
269 student enrollment that is evenly divisible by 12 ~~10~~. If the
270 result of dividing a district's full-time equivalent student
271 enrollment by 12 ~~10~~ is not a whole number, the district's
272 enrollment calculation shall be adjusted by adding the minimum
273 number of full-time equivalent students to produce a full-time
274 equivalent student enrollment calculation that is evenly
275 divisible by 12 ~~10~~.

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

277 (a) A child who, for any of the prekindergarten programs
278 listed in s. 1002.53(3), has not completed more than 10 percent
279 of the hours authorized to be reported for funding under
280 subsection (2) may withdraw from the program for good cause,
281 reenroll in one of the programs, and be reported for funding
282 purposes as a full-time equivalent student in the program for
283 which the child is reenrolled. The total funding for a child who
284 reenrolls in the same program shall not exceed one full-time
285 equivalent student.

286 (b) A child who has not substantially completed any of the
287 prekindergarten programs listed in s. 1002.53(3) may withdraw
288 from the program due to an extreme hardship that is beyond the
289 child's or parent's control, reenroll in one of the summer
290 programs, and be reported for funding purposes as a full-time

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291 equivalent student in the summer program for which the child is
292 reenrolled.

293

294 A child may reenroll only once in a prekindergarten program
295 under this section. A child who reenrolls in a prekindergarten
296 program under this subsection may not subsequently withdraw from
297 the program and reenroll. The Agency for Workforce Innovation
298 shall establish criteria specifying whether a good cause exists
299 for a child to withdraw from a program under paragraph (a),
300 whether a child has substantially completed a program under
301 paragraph (b), and whether an extreme hardship exists which is
302 beyond the child's or parent's control under paragraph (b).

303 (6)

304 (d) The Agency for Workforce Innovation shall adopt, for
305 funding purposes, a uniform attendance policy for the Voluntary
306 Prekindergarten Education Program. The attendance policy must
307 apply statewide and apply equally to all private prekindergarten
308 providers and public schools. The attendance policy must
309 establish a minimum requirement for student attendance and
310 include the following provisions:

311 1. Beginning with the 2009-2010 fiscal year for school-year
312 programs and the 2009 summer program, a student who meets the
313 minimum requirement of 80 percent of the total number of hours
314 for the program may be reported as a full-time equivalent
315 student for funding purposes.

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

319 3. A student who does not meet the minimum requirement may

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320 be reported as a full-time equivalent student if the student is
321 absent for good cause in accordance with exceptions specified in
322 the uniform attendance policy.

323

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

328 (7) The Agency for Workforce Innovation shall require that
329 administrative expenditures be kept to the minimum necessary for
330 efficient and effective administration of the Voluntary
331 Prekindergarten Education Program. Administrative policies and
332 procedures shall be revised, to the maximum extent practicable,
333 to incorporate the use of automation and electronic submission
334 of forms, including those required for child eligibility and
335 enrollment, provider and class registration, and monthly
336 certification of attendance for payment. Beginning with the
337 2008-2009 fiscal year, each early learning coalition may retain
338 and expend no more than 4.85 ~~5~~ percent of the funds paid by the
339 coalition to private prekindergarten providers and public
340 schools under paragraph (5) (b). Funds retained by an early
341 learning coalition under this subsection may be used only for
342 administering the Voluntary Prekindergarten Education Program
343 and may not be used for the school readiness program or other
344 programs.

345 Section 8. Paragraphs (c) and (d) of subsection (2) of
346 section 1002.73, Florida Statutes, are amended to read:

347 1002.73 Department of Education; powers and duties;
348 accountability requirements.-

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349 (2) The department shall adopt procedures for the
350 department's:

351 ~~(c) Certification of school districts that are eligible to~~
352 ~~deliver the school-year prekindergarten program under s.~~
353 ~~1002.63.~~

354 (c)~~(d)~~ Administration of the statewide kindergarten
355 screening and calculation of kindergarten readiness rates under
356 s. 1002.69.

357 Section 9. Paragraph (a) of subsection (2) of section
358 1006.40, Florida Statutes, is amended to read:

359 1006.40 Use of instructional materials allocation;
360 instructional materials, library books, and reference books;
361 repair of books.-

362 (2) (a) Each district school board must purchase current
363 instructional materials to provide each student with a textbook
364 or other instructional materials as a major tool of instruction
365 in core courses of the appropriate subject areas of mathematics,
366 language arts, science, social studies, reading, and literature
367 for kindergarten through grade 12. Such purchase must be made
368 within the first 2 years after ~~of~~ the effective date of the
369 adoption cycle; however, this requirement is waived for the
370 adoption cycle occurring in the 2008-2009 academic year. Unless
371 specifically provided for in the General Appropriations Act, the
372 cost of instructional materials purchases required by this
373 paragraph shall not exceed the amount of the district's
374 allocation for instructional materials, pursuant to s. 1011.67,
375 for the previous 2 years.

376 Section 10. Section 1011.051, Florida Statutes, is created
377 to read:

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378 1011.051 Guidelines for general funds.—The district school
379 board shall maintain an unreserved general fund balance that is
380 sufficient to address normal contingencies.

381 (1) If at any time the unreserved general fund in the
382 district's approved operating budget is projected to fall during
383 the current fiscal year below 5 percent of projected general
384 fund revenues, the superintendent shall provide written
385 notification to the district school board and the Commissioner
386 of Education.

387 (a) With respect to a collective bargaining agreement
388 executed on or after the effective date of this act, if the
389 unreserved general fund in the district's approved operating
390 budget is projected to fall during the current fiscal year below
391 2 percent of projected general fund revenues, the provisions of
392 s. 447.4095 shall be followed for the purpose of modifying the
393 agreement as necessary to avoid a financial emergency within the
394 school district as provided under part V of chapter 218. If the
395 parties fail to reach agreement and proceed to implement the
396 provisions of s. 447.403, the superintendent shall provide
397 written notification to the Commissioner of Education, the
398 dispute shall be resolved through an expedited impasse hearing,
399 and the timelines prescribed in s. 447.403(2)(c) shall apply.

400 (b) With respect to a collective bargaining agreement
401 executed before the effective date of this act, if the
402 unreserved general fund in the district's approved operating
403 budget is projected to fall during the current fiscal year below
404 projected general fund revenues, the provisions of s. 447.4095
405 shall be followed for the purpose of modifying the agreement as
406 necessary to avoid a financial emergency within the school

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407 district as provided under part V of chapter 218. If the parties
408 fail to reach agreement and proceed to implement the provisions
409 of s. 447.403, the superintendent shall provide written
410 notification to the Commissioner of Education, the dispute shall
411 be resolved through an expedited impasse hearing, and the
412 timelines prescribed in s. 447.403(2)(c) shall apply.

413 (2) (a) Each collective bargaining agreement entered into by
414 a school board on or after the effective date of this act must
415 make adequate provision to allow the school board to maintain an
416 unreserved general fund balance as required by this section.

417 (b) Any collective bargaining agreement entered into by a
418 school board on or after the effective date of this act which
419 does not meet the requirements of this section is void, is
420 contrary to public policy, and may not be enforced.

421 (c) Any collective bargaining agreement entered into by a
422 school board before the effective date of this act is subject to
423 the provisions of s. 447.4095 if the school district projects
424 that, at any point in the fiscal year, it will have insufficient
425 funds to continue normal operations and address normal
426 contingencies. Projection of such conditions by the school board
427 constitutes "financial urgency" for purposes of s. 447.4095, but
428 this paragraph does not limit the meaning of "financial urgency"
429 to such projection.

430 Section 11. Paragraph (d) of subsection (2) and subsection
431 (4) of section 1011.71, Florida Statutes, as amended by chapters
432 2007-328, 2008-2, 2008-142, and 2008-213, Laws of Florida, are
433 amended to read:

434 1011.71 District school tax.—

435 (2) In addition to the maximum millage levy as provided in

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436 subsection (1), each school board may levy not more than 1.75
437 mills against the taxable value for school purposes for district
438 schools, including charter schools at the discretion of the
439 school board, to fund:

440 (d) The purchase, lease-purchase, or lease of new and
441 replacement equipment, and enterprise resource software
442 applications that are classified as capital assets in accordance
443 with definitions of the Governmental Accounting Standards Board,
444 have a useful life of at least 5 years, and are used to support
445 district-wide administration or state-mandated reporting
446 requirements.

447 (4) A school district ~~that has met the reduction~~
448 ~~requirements regarding class size for the 2008-2009 fiscal year~~
449 ~~pursuant to s. 1003.03 for K-12 students for whom the school~~
450 ~~district provides the educational facilities and governs~~
451 ~~operations and certifies to the Commissioner of Education that~~
452 ~~the district does not need all of its discretionary 1.75-mill~~
453 ~~capital improvement revenue for capital outlay purposes and all~~
454 ~~of the district's instructional space needs for the next 5 years~~
455 ~~can be met from capital outlay sources that the district~~
456 ~~reasonably expects to receive during the next 5 years from local~~
457 ~~revenues and from currently appropriated state facilities~~
458 ~~funding or from alternative scheduling or construction, leasing,~~
459 ~~rezoning, or technological methodologies that exhibit sound~~
460 ~~management~~ may expend, subject to the provisions of s. 200.065,
461 up to \$65 per unweighted full-time equivalent student from the
462 revenue generated by the 2008-2009 millage levy authorized by
463 subsection (2) to fund, in addition to expenditures authorized
464 in paragraphs (2) (a)-(j), 2008-2009 expenses for the following:

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465 (a) The purchase, lease-purchase, or lease of driver's
466 education vehicles; motor vehicles used for the maintenance or
467 operation of plants and equipment; security vehicles; or
468 vehicles used in storing or distributing materials and
469 equipment.

470 (b) Payment of the cost of premiums for property and
471 casualty insurance necessary to insure school district
472 educational and ancillary plants. Operating revenues that are
473 made available through the payment of property and casualty
474 insurance premiums from revenues generated under this subsection
475 may be expended only for nonrecurring operational expenditures
476 of the school district.

477 Section 12. The amendments made by this act to subsection
478 (4) of section 1011.71, Florida Statutes, as carried forward by
479 this act from chapters 2007-328, 2008-2, 2008-142, and 2008-213,
480 Laws of Florida, shall expire July 1, 2009, and the text of that
481 subsection shall revert to that in existence on the day before
482 the effective date of chapter 2007-328, Laws of Florida, except
483 that any amendments to such text enacted other than by this act
484 and chapters 2007-328, 2008-2, 2008-142, and 2008-213, Laws of
485 Florida, shall be preserved and continue to operate to the
486 extent that the amendments are not dependent upon the portions
487 of such text which expire pursuant to this section.

488 Section 13. Paragraph (b) of subsection (6) of section
489 1013.64, Florida Statutes, is amended to read:

490 1013.64 Funds for comprehensive educational plant needs;
491 construction cost maximums for school district capital
492 projects.—Allocations from the Public Education Capital Outlay
493 and Debt Service Trust Fund to the various boards for capital

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494 outlay projects shall be determined as follows:

495 (6)

496 (b)1. A district school board, including a district school
497 board of an academic performance-based charter school district,
498 must not use funds from the following sources: Public Education
499 Capital Outlay and Debt Service Trust Fund; School District and
500 Community College District Capital Outlay and Debt Service Trust
501 Fund; Classrooms First Program funds provided in s. 1013.68;
502 effort index grant funds provided in s. 1013.73; nonvoted 1.75-
503 mill ~~2-mill~~ levy of ad valorem property taxes provided in s.
504 1011.71(2); Classrooms for Kids Program funds provided in s.
505 1013.735; District Effort Recognition Program funds provided in
506 s. 1013.736; or High Growth District Capital Outlay Assistance
507 Grant Program funds provided in s. 1013.738 for any new
508 construction of educational plant space with a total cost per
509 student station, including change orders, that equals more than:

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

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

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

513

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

516 2. A district school board must not use funds from the
517 Public Education Capital Outlay and Debt Service Trust Fund or
518 the School District and Community College District Capital
519 Outlay and Debt Service Trust Fund for any new construction of
520 an ancillary plant that exceeds 70 percent of the average cost
521 per square foot of new construction for all schools.

522 Section 14. Notwithstanding the provisions of s. 1001.395,

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523 Florida Statutes, between February 1 through June 30, 2009, the
524 salary of each member of each district school board shall be
525 reduced by 5 percent.

526 Section 15. Merit awards for instructional personnel and
527 school-based administrators selected for the Merit Award Program
528 in 2008-2009 shall be paid in the 2009-2010 fiscal year only to
529 the extent that funds are available and specifically
530 appropriated in the 2009-2010 fiscal year.

531 Section 16. In order to implement Specific Appropriations
532 2, 3, and 41 through 44 of the Special Appropriations Act for
533 the 2008-2009 fiscal year, the calculations of the Florida
534 Education Finance Program for the 2008-2009 fiscal year in the
535 document entitled "Public School Funding - The Florida Education
536 Finance Program," dated January 8, 2009, and filed with the
537 Secretary of the Senate are incorporated by reference for the
538 purpose of displaying the calculations used by the Legislature,
539 consistent with requirements of the Florida Statutes, in making
540 appropriations and reductions in appropriations for the Florida
541 Education Finance Program.

542 Section 17. This act shall take effect February 1, 2009, or
543 upon becoming a law, whichever occurs later; however, if this
544 act becomes a law after February 1, 2009, the provisions of s.
545 1002.71, Florida Statutes, as amended by this act, shall operate
546 retroactively to February 1, 2009.