

20096Ae1

1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1001.395, F.S.; providing for district school members
4 to reduce their salary rate on a voluntary basis;
5 amending ss. 1001.42 and 1001.50, F.S.; prohibiting a
6 district school board from entering into an employment
7 contract that provides for payment of an amount
8 greater than 1 year of an employee's or
9 superintendent's annual salary for termination, buy-
10 out, or other type of settlement; amending s. 1002.53,
11 F.S., relating to the Voluntary Prekindergarten
12 Education Program; conforming provisions to changes
13 made by the act; amending s. 1002.61, F.S.; increasing
14 the number of students authorized for a summer
15 prekindergarten class; conforming cross-references;
16 amending s. 1002.63, F.S.; eliminating certain
17 eligibility requirements for delivering a
18 prekindergarten program during the school year;
19 amending s. 1002.71, F.S.; providing for separate base
20 student allocations for school-year and summer
21 prekindergarten programs; revising the formula for
22 calculating and reporting full-time equivalent student
23 enrollment; providing certain restrictions with
24 respect to a child who reenrolls in a prekindergarten
25 program; requiring that certain administrative
26 procedures be automated; requiring that actions be
27 taken to reduce paperwork, eliminate the duplication
28 of reports, and eliminate other duplicative
29 activities; decreasing the amount that an early

20096Ae1

30 learning coalition may expend for administrative
31 purposes; amending s. 1002.73, F.S.; revising duties
32 of the Department of Education, to conform; amending
33 s. 1006.40, F.S.; waiving, for the adoption cycle of
34 the 2008-2009 academic year, the requirement that
35 district school boards purchase instructional
36 materials in core courses; creating s. 1011.051, F.S.;
37 requiring that district school boards maintain an
38 unreserved general fund balance sufficient to address
39 contingencies; specifying procedures for the district
40 to follow if the operating budget falls below a
41 specified percentage of projected general fund
42 revenues; amending s. 1011.71, F.S.; authorizing the
43 purchase of certain enterprise resource software
44 applications with proceeds of the district school tax;
45 eliminating certain restrictions on the expenditure of
46 revenues from the district school tax levy; providing
47 for future expiration of such provisions; amending s.
48 1013.64, F.S., relating to funds for constructing
49 educational plant space; conforming provisions;
50 providing for awards for instructional personnel and
51 school-based administrators under the Merit Award
52 Program to be paid only to the extent funded in the
53 2009-2010 fiscal year; authorizing the Commissioner of
54 Education to waive the equal-dollar reduction
55 requirement for expenditures made during a specified
56 time for property and casualty insurance and for the
57 audit findings for a specified fiscal year related to
58 the purchase of software, if the commissioner

20096Ae1

59 determines that a school district acted in good faith;
 60 incorporating by reference certain calculations of the
 61 Florida Education Finance Program for the 2008-2009
 62 fiscal year; providing for contingent retroactive
 63 application of specified provisions of the act;
 64 providing an effective date.

65

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

67

68 Section 1. Section 1001.395, Florida Statutes, is amended
 69 to read:

70 1001.395 District school board members; compensation.—

71 (1) Each member of the district school board shall receive
 72 a base salary, the amounts indicated in this section, based on
 73 the population of the county the district school board member
 74 serves. In addition, compensation shall be made for population
 75 increments over the minimum for each population group, which
 76 shall be determined by multiplying the population in excess of
 77 the minimum for the group times the group rate. The product of
 78 such calculation shall be added to the base salary to determine
 79 the adjusted base salary. The adjusted base salaries of district
 80 school board members shall be increased annually as provided for
 81 in s. 145.19.

		County Pop.			
Pop. Group	Range	Base Salary	Group Rate		
	Minimum	Maximum			
I	-0-	9,999	\$5,000	\$0.08330	

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20096Ae1

84	II	10,000	49,999	5,833	0.020830
85	III	50,000	99,999	6,666	0.016680
86	IV	100,000	199,999	7,500	0.008330
87	V	200,000	399,999	8,333	0.004165
88	VI	400,000	999,999	9,166	0.001390
89	VII	1,000,000		10,000	0.000000

90
91

92 District school board member salaries negotiated on or after
93 November of 2006 shall remain in effect up to the date of the
94 2007-2008 calculation provided pursuant to s. 145.19.

95 (2) Notwithstanding the provisions of this section or s.
96 145.19, Florida Statutes, district school board members may
97 reduce their salary rate on a voluntary basis.

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

101 1001.42 Powers and duties of district school board.—The
102 district school board, acting as a board, shall exercise all
103 powers and perform all duties listed below:

104 (25) EMPLOYMENT CONTRACTS.—On or after February 1, 2009, a
105 district school board may not enter into an employment contract
106 that is funded from state funds and that requires the district

20096Ae1

107 to pay an employee an amount in excess of 1 year of the
108 employee's annual salary for termination, buy-out, or any other
109 type of contract settlement.

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

112 1001.50 Superintendents employed under Art. IX of the State
113 Constitution.—

114 (2) The district school board of each of such districts
115 shall enter into contracts of employment with the district
116 school superintendent and shall adopt rules relating to his or
117 her appointment; however, on or after February 1, 2009, the
118 district school board may not enter into an employment contract
119 that is funded from state funds and that requires the district
120 to pay a superintendent an amount in excess of 1 year of the
121 superintendent's annual salary for termination, buy-out, or any
122 other type of contract settlement.

123 Section 4. Paragraph (c) of subsection (3) of section
124 1002.53, Florida Statutes, is amended to read:

125 1002.53 Voluntary Prekindergarten Education Program;
126 eligibility and enrollment.—

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

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

132
133 Except as provided in s. 1002.71(4), a child may not enroll in
134 more than one of these programs.

135 Section 5. Subsections (4) and (7) of section 1002.61,

20096Ae1

136 Florida Statutes, are amended to read:

137 1002.61 Summer prekindergarten program delivered by public
138 schools and private prekindergarten providers.-

139 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)
140 ~~1002.63(5)~~, each public school and private prekindergarten
141 provider must have, for each prekindergarten class, at least one
142 prekindergarten instructor who:

143 (a) Is a certified teacher; or

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

146

147 As used in this subsection, the term "certified teacher" means a
148 teacher holding a valid Florida educator certificate under s.
149 1012.56 who has the qualifications required by the district
150 school board to instruct students in the summer prekindergarten
151 program. In selecting instructional staff for the summer
152 prekindergarten program, each school district shall give
153 priority to teachers who have experience or coursework in early
154 childhood education.

155 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7)
156 ~~1002.63(8)~~, each prekindergarten class in the summer
157 prekindergarten program, regardless of whether the class is a
158 public school's or private prekindergarten provider's class,
159 must be composed of at least 4 students but may not exceed 12 ~~10~~
160 students beginning with the 2009 summer session. In order to
161 protect the health and safety of students, each public school or
162 private prekindergarten provider must also provide appropriate
163 adult supervision for students at all times. This subsection
164 does not supersede any requirement imposed on a provider under

20096Ae1

165 ss. 402.301-402.319.

166 Section 6. Section 1002.63, Florida Statutes, is amended to
167 read:

168 1002.63 School-year prekindergarten program delivered by
169 public schools.—

170 (1) Each school district ~~eligible under subsection (4)~~ may
171 administer the Voluntary Prekindergarten Education Program at
172 the district level for students enrolled under s. 1002.53(3)(c)
173 in a school-year prekindergarten program delivered by a public
174 school.

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

177 (3) The district school board of each school district
178 ~~eligible under subsection (4)~~ shall determine which public
179 schools in the district may ~~are eligible to~~ deliver the
180 prekindergarten program during the school year.

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

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

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

189 ~~2. Has sufficient satisfactory educational facilities and~~
190 ~~capital outlay funds to continue reducing the average class size~~
191 ~~in each classroom in the district's elementary schools for each~~
192 ~~year in accordance with the schedule for class size reduction~~
193 ~~and to achieve full compliance with the maximum class sizes in~~

20096Ae1

194 s. 1(a), Art. IX of the State Constitution by the beginning of
195 the ~~2010-2011~~ school year.

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

201 (4)~~(5)~~ Each public school must have, for each
202 prekindergarten class, at least one prekindergarten instructor
203 who meets each requirement in s. 1002.55(3)(c) for a
204 prekindergarten instructor of a private prekindergarten
205 provider.

206 (5)~~(6)~~ Each prekindergarten instructor employed by a public
207 school delivering the school-year prekindergarten program must
208 be of good moral character, must be screened using the level 2
209 screening standards in s. 435.04 before employment and
210 rescreened at least once every 5 years, must be denied
211 employment or terminated if required under s. 435.06, and must
212 not be ineligible to teach in a public school because his or her
213 educator certificate is suspended or revoked. This subsection
214 does not supersede employment requirements for instructional
215 personnel in public schools which are more stringent than the
216 requirements of this subsection.

217 (6)~~(7)~~ A public school prekindergarten provider may assign
218 a substitute instructor to temporarily replace a credentialed
219 instructor if the credentialed instructor assigned to a
220 prekindergarten class is absent, as long as the substitute
221 instructor is of good moral character and has been screened
222 before employment in accordance with level 2 background

20096Ae1

223 screening requirements in chapter 435. This subsection does not
224 supersede employment requirements for instructional personnel in
225 public schools which are more stringent than the requirements of
226 this subsection. The Agency for Workforce Innovation shall adopt
227 rules to implement this subsection which shall include required
228 qualifications of substitute instructors and the circumstances
229 and time limits for which a public school prekindergarten
230 provider may assign a substitute instructor.

231 (7)~~(8)~~ Each prekindergarten class in a public school
232 delivering the school-year prekindergarten program must be
233 composed of at least 4 students but may not exceed 18 students.
234 In order to protect the health and safety of students, each
235 school must also provide appropriate adult supervision for
236 students at all times and, for each prekindergarten class
237 composed of 11 or more students, must have, in addition to a
238 prekindergarten instructor who meets the requirements of s.
239 1002.55(3)(c), at least one adult prekindergarten instructor who
240 is not required to meet those requirements but who must meet
241 each requirement of subsection (5) ~~(6)~~.

242 (8)~~(9)~~ Each public school delivering the school-year
243 prekindergarten program must:

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

246 (b) Deliver the Voluntary Prekindergarten Education Program
247 in accordance with this part.

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

251 1002.71 Funding; financial and attendance reporting.-

20096Ae1

252 (3) (a) A separate ~~The~~ base student allocation per full-time
253 equivalent student in the Voluntary Prekindergarten Education
254 Program shall be provided in the General Appropriations Act for
255 a school-year prekindergarten program and for a summer
256 prekindergarten program. The base student allocation for a
257 school-year program ~~and~~ shall be equal for each student,
258 regardless of whether the student is enrolled in a school-year
259 prekindergarten program delivered by a private prekindergarten
260 provider or a public school. The base student allocation for, a
261 summer prekindergarten program shall be equal for each student,
262 regardless of whether the student is enrolled in a summer
263 prekindergarten program delivered by a public school or private
264 prekindergarten provider, ~~or a school-year prekindergarten~~
265 ~~program delivered by a public school.~~

266 (b) Each county's allocation per full-time equivalent
267 student in the Voluntary Prekindergarten Education Program shall
268 be calculated annually by multiplying the base student
269 allocation provided in the General Appropriations Act by the
270 county's district cost differential provided in s. 1011.62(2).
271 Each private prekindergarten provider and public school shall be
272 paid in accordance with the county's allocation per full-time
273 equivalent student.

274 (c) The initial allocation shall be based on estimated
275 student enrollment in each coalition service area. The Agency
276 for Workforce Innovation shall reallocate funds among the
277 coalitions based on actual full-time equivalent student
278 enrollment in each coalition service area.

279 (d) For programs offered by school districts pursuant to s.
280 1002.61 and beginning with the 2009 summer program, each

20096Ae1

281 district's funding shall be based on a full-time equivalent
282 student enrollment that is evenly divisible by 12 ~~10~~. If the
283 result of dividing a district's full-time equivalent student
284 enrollment by 12 ~~10~~ is not a whole number, the district's
285 enrollment calculation shall be adjusted by adding the minimum
286 number of full-time equivalent students to produce a full-time
287 equivalent student enrollment calculation that is evenly
288 divisible by 12 ~~10~~.

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

290 (a) A child who, for any of the prekindergarten programs
291 listed in s. 1002.53(3), has not completed more than 10 percent
292 of the hours authorized to be reported for funding under
293 subsection (2) may withdraw from the program for good cause,
294 reenroll in one of the programs, and be reported for funding
295 purposes as a full-time equivalent student in the program for
296 which the child is reenrolled. The total funding for a child who
297 reenrolls in the same program shall not exceed one full-time
298 equivalent student.

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

306
307 A child may reenroll only once in a prekindergarten program
308 under this section. A child who reenrolls in a prekindergarten
309 program under this subsection may not subsequently withdraw from

20096Ae1

310 the program and reenroll. The Agency for Workforce Innovation
311 shall establish criteria specifying whether a good cause exists
312 for a child to withdraw from a program under paragraph (a),
313 whether a child has substantially completed a program under
314 paragraph (b), and whether an extreme hardship exists which is
315 beyond the child's or parent's control under paragraph (b).

316 (6)

317 (d) The Agency for Workforce Innovation shall adopt, for
318 funding purposes, a uniform attendance policy for the Voluntary
319 Prekindergarten Education Program. The attendance policy must
320 apply statewide and apply equally to all private prekindergarten
321 providers and public schools. The attendance policy must
322 establish a minimum requirement for student attendance and
323 include the following provisions:

324 1. Beginning with the 2009-2010 fiscal year for school-year
325 programs and the 2009 summer program, a student who meets the
326 minimum requirement of 80 percent of the total number of hours
327 for the program may be reported as a full-time equivalent
328 student for funding purposes.

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

332 3. A student who does not meet the minimum requirement may
333 be reported as a full-time equivalent student if the student is
334 absent for good cause in accordance with exceptions specified in
335 the uniform attendance policy.

336

337 The uniform attendance policy shall be used only for funding
338 purposes and does not prohibit a private prekindergarten

20096Ae1

339 provider or public school from adopting and enforcing its
340 attendance policy under paragraphs (a) and (c).

341 (7) The Agency for Workforce Innovation shall require that
342 administrative expenditures be kept to the minimum necessary for
343 efficient and effective administration of the Voluntary
344 Prekindergarten Education Program. Administrative policies and
345 procedures shall be revised, to the maximum extent practicable,
346 to incorporate the use of automation and electronic submission
347 of forms, including those required for child eligibility and
348 enrollment, provider and class registration, and monthly
349 certification of attendance for payment. In addition, actions
350 shall be taken to reduce paperwork, eliminate the duplication of
351 reports, and eliminate other duplicative activities. Beginning
352 with the 2008-2009 fiscal year, each early learning coalition
353 may retain and expend no more than 4.85 5 percent of the funds
354 paid by the coalition to private prekindergarten providers and
355 public schools under paragraph (5) (b). Funds retained by an
356 early learning coalition under this subsection may be used only
357 for administering the Voluntary Prekindergarten Education
358 Program and may not be used for the school readiness program or
359 other programs.

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

362 1002.73 Department of Education; powers and duties;
363 accountability requirements.—

364 (2) The department shall adopt procedures for the
365 department's:

366 ~~(c) Certification of school districts that are eligible to~~
367 ~~deliver the school-year prekindergarten program under s.~~

20096Ae1

368 ~~1002.63.~~

369 (c)~~(d)~~ Administration of the statewide kindergarten
370 screening and calculation of kindergarten readiness rates under
371 s. 1002.69.

372 Section 9. Paragraph (a) of subsection (2) of section
373 1006.40, Florida Statutes, is amended to read:

374 1006.40 Use of instructional materials allocation;
375 instructional materials, library books, and reference books;
376 repair of books.—

377 (2) (a) Each district school board must purchase current
378 instructional materials to provide each student with a textbook
379 or other instructional materials as a major tool of instruction
380 in core courses of the appropriate subject areas of mathematics,
381 language arts, science, social studies, reading, and literature
382 for kindergarten through grade 12. Such purchase must be made
383 within the first 2 years after ~~of~~ the effective date of the
384 adoption cycle; however, this requirement is waived for the
385 adoption cycle occurring in the 2008-2009 academic year. Unless
386 specifically provided for in the General Appropriations Act, the
387 cost of instructional materials purchases required by this
388 paragraph shall not exceed the amount of the district's
389 allocation for instructional materials, pursuant to s. 1011.67,
390 for the previous 2 years.

391 Section 10. Section 1011.051, Florida Statutes, is created
392 to read:

393 1011.051 Guidelines for general funds.—The district school
394 board shall maintain an unreserved general fund balance that is
395 sufficient to address normal contingencies.

396 (1) If at any time the unreserved general fund in the

20096Ae1

397 district's approved operating budget is projected to fall during
398 the current fiscal year below 3 percent of projected general
399 fund revenues, the superintendent shall provide written
400 notification to the district school board and the Commissioner
401 of Education.

402 (2) If the unreserved general fund in the district's
403 approved operating budget is projected to fall during the
404 current fiscal year below 2 percent of projected general
405 revenues, the superintendent shall provide written notification
406 to the school district board and the Commissioner of Education.
407 Within 14 days after receiving such notification, if the
408 commissioner determines that the district does not have a plan
409 that is reasonably anticipated to avoid a financial emergency as
410 determined pursuant to 218.503, the commissioner shall appoint a
411 financial emergency board that shall operate consistent with the
412 requirements, powers, and duties specified in s. 218.503(3)(g).

413 Section 11. Paragraph (d) of subsection (2) and subsection
414 (4) of section 1011.71, Florida Statutes, as amended by chapters
415 2007-328, 2008-2, 2008-142, and 2008-213, Laws of Florida, are
416 amended to read:

417 1011.71 District school tax.—

418 (2) In addition to the maximum millage levy as provided in
419 subsection (1), each school board may levy not more than 1.75
420 mills against the taxable value for school purposes for district
421 schools, including charter schools at the discretion of the
422 school board, to fund:

423 (d) The purchase, lease-purchase, or lease of new and
424 replacement equipment, and enterprise resource software
425 applications that are classified as capital assets in accordance

20096Ae1

426 with definitions of the Governmental Accounting Standards Board,
427 have a useful life of at least 5 years, and are used to support
428 district-wide administration or state-mandated reporting
429 requirements.

430 (4) A school district ~~that has met the reduction~~
431 ~~requirements regarding class size for the 2008-2009 fiscal year~~
432 ~~pursuant to s. 1003.03 for K-12 students for whom the school~~
433 ~~district provides the educational facilities and governs~~
434 ~~operations and certifies to the Commissioner of Education that~~
435 ~~the district does not need all of its discretionary 1.75-mill~~
436 ~~capital improvement revenue for capital outlay purposes and all~~
437 ~~of the district's instructional space needs for the next 5 years~~
438 ~~can be met from capital outlay sources that the district~~
439 ~~reasonably expects to receive during the next 5 years from local~~
440 ~~revenues and from currently appropriated state facilities~~
441 ~~funding or from alternative scheduling or construction, leasing,~~
442 ~~rezoning, or technological methodologies that exhibit sound~~
443 ~~management~~ may expend, subject to the provisions of s. 200.065,
444 up to \$65 per unweighted full-time equivalent student from the
445 revenue generated by the 2008-2009 millage levy authorized by
446 subsection (2) to fund, in addition to expenditures authorized
447 in paragraphs (2) (a)-(j), 2008-2009 expenses for the following:

448 (a) The purchase, lease-purchase, or lease of driver's
449 education vehicles; motor vehicles used for the maintenance or
450 operation of plants and equipment; security vehicles; or
451 vehicles used in storing or distributing materials and
452 equipment.

453 (b) Payment of the cost of premiums for property and
454 casualty insurance necessary to insure school district

20096Ae1

455 educational and ancillary plants. Operating revenues that are
456 made available through the payment of property and casualty
457 insurance premiums from revenues generated under this subsection
458 may be expended only for nonrecurring operational expenditures
459 of the school district.

460 Section 12. The amendments made by this act to subsection
461 (4) of section 1011.71, Florida Statutes, as carried forward by
462 this act from chapters 2007-328, 2008-2, 2008-142, and 2008-213,
463 Laws of Florida, shall expire July 1, 2009, and the text of that
464 subsection shall revert to that in existence on the day before
465 the effective date of chapter 2007-328, Laws of Florida, except
466 that any amendments to such text enacted other than by this act
467 and chapters 2007-328, 2008-2, 2008-142, and 2008-213, Laws of
468 Florida, shall be preserved and continue to operate to the
469 extent that the amendments are not dependent upon the portions
470 of such text which expire pursuant to this section.

471 Section 13. Paragraph (b) of subsection (6) of section
472 1013.64, Florida Statutes, is amended to read:

473 1013.64 Funds for comprehensive educational plant needs;
474 construction cost maximums for school district capital
475 projects.—Allocations from the Public Education Capital Outlay
476 and Debt Service Trust Fund to the various boards for capital
477 outlay projects shall be determined as follows:

478 (6)

479 (b)1. A district school board, including a district school
480 board of an academic performance-based charter school district,
481 must not use funds from the following sources: Public Education
482 Capital Outlay and Debt Service Trust Fund; School District and
483 Community College District Capital Outlay and Debt Service Trust

20096Ae1

484 Fund; Classrooms First Program funds provided in s. 1013.68;
485 effort index grant funds provided in s. 1013.73; nonvoted 1.75-
486 mill ~~2-mill~~ levy of ad valorem property taxes provided in s.
487 1011.71(2); Classrooms for Kids Program funds provided in s.
488 1013.735; District Effort Recognition Program funds provided in
489 s. 1013.736; or High Growth District Capital Outlay Assistance
490 Grant Program funds provided in s. 1013.738 for any new
491 construction of educational plant space with a total cost per
492 student station, including change orders, that equals more than:
493 a. \$17,952 for an elementary school,
494 b. \$19,386 for a middle school, or
495 c. \$25,181 for a high school,

496
497 (January 2006) as adjusted annually to reflect increases or
498 decreases in the Consumer Price Index.

499 2. A district school board must not use funds from the
500 Public Education Capital Outlay and Debt Service Trust Fund or
501 the School District and Community College District Capital
502 Outlay and Debt Service Trust Fund for any new construction of
503 an ancillary plant that exceeds 70 percent of the average cost
504 per square foot of new construction for all schools.

505 Section 14. Merit awards for instructional personnel and
506 school-based administrators selected for the Merit Award Program
507 in 2008-2009 shall be paid in the 2009-2010 fiscal year only to
508 the extent that funds are available and specifically
509 appropriated in the 2009-2010 fiscal year.

510 Section 15. If the Commissioner of Education determines
511 that a school district acted in good faith, he or she may waive
512 the equal-dollar reduction required in s. 1011.71(5), Florida

20096Ae1

513 Statutes, for expenditures for property and casualty insurance
514 made between May 1 and December 31, 2007, and for the audit
515 findings for the 2006-2007 fiscal year related to the purchase
516 of software.

517 Section 16. In order to implement Specific Appropriations
518 2, 3, and 42 through 45 of the Special Appropriations Act for
519 the 2008-2009 fiscal year, the calculations of the Florida
520 Education Finance Program for the 2008-2009 fiscal year in the
521 document entitled "Public School Funding - The Florida Education
522 Finance Program," dated January 8, 2009, and filed with the
523 Secretary of the Senate are incorporated by reference for the
524 purpose of displaying the calculations used by the Legislature,
525 consistent with requirements of the Florida Statutes, in making
526 appropriations and reductions in appropriations for the Florida
527 Education Finance Program.

528 Section 17. This act shall take effect February 1, 2009, or
529 upon becoming a law, whichever occurs later; however, if this
530 act becomes a law after February 1, 2009, the provisions of s.
531 1002.71, Florida Statutes, as amended by this act, shall operate
532 retroactively to February 1, 2009.