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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

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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. 1003.03, F.S.; authorizing the Commissioner of  
34 Education to recommend a greater reduction in the  
35 amount allocated for transfer to a district's fixed  
36 capital outlay fund; amending s. 1006.40, F.S.;  
37 waiving, for the adoption cycle of the 2008-2009  
38 academic year, the requirement that district school  
39 boards purchase instructional materials in core  
40 courses; creating s. 1011.051, F.S.; requiring that  
41 district school boards maintain an unreserved general  
42 fund balance sufficient to address contingencies;  
43 specifying procedures for the district to follow if  
44 the operating budget falls below a specified  
45 percentage of projected general fund revenues;  
46 amending s. 1011.71, F.S.; authorizing the purchase of  
47 certain enterprise resource software applications with  
48 proceeds of the district school tax; eliminating  
49 certain restrictions on the expenditure of revenues  
50 from the district school tax levy; increasing the  
51 amount that school districts may expend per unweighted  
52 full-time equivalent student from the revenue  
53 generated by the levy; repealing s. 11 of chapter  
54 2008-142 and s. 2 of chapter 2008-213, Laws of  
55 Florida, relating to the future expiration of certain  
56 provisions relating to school district expenditure of  
57 capital outlay millage; amending s. 1013.64, F.S.,  
58 relating to funds for constructing educational plant

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59 space; conforming provisions; providing for awards for  
60 instructional personnel and school-based  
61 administrators under the Merit Award Program to be  
62 paid only to the extent funded in the 2009-2010 fiscal  
63 year; authorizing the Commissioner of Education to  
64 waive the equal-dollar reduction requirement for  
65 expenditures made during a specified time for property  
66 and casualty insurance and for the audit findings for  
67 a specified fiscal year related to the purchase of  
68 software, if the commissioner determines that a school  
69 district acted in good faith; providing that such  
70 authorization is contingent upon dismissal of a  
71 specified lawsuit; incorporating by reference certain  
72 calculations of the Florida Education Finance Program  
73 for the 2008-2009 fiscal year; providing for  
74 retroactive application of specified provisions of the  
75 act; providing an effective date.

76  
77 Be It Enacted by the Legislature of the State of Florida:

78  
79 Section 1. Section 1001.395, Florida Statutes, is amended  
80 to read:

81 1001.395 District school board members; compensation.—

82 (1) Each member of the district school board shall receive  
83 a base salary, the amounts indicated in this section, based on  
84 the population of the county the district school board member  
85 serves. In addition, compensation shall be made for population  
86 increments over the minimum for each population group, which  
87 shall be determined by multiplying the population in excess of

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88 the minimum for the group times the group rate. The product of  
 89 such calculation shall be added to the base salary to determine  
 90 the adjusted base salary. The adjusted base salaries of district  
 91 school board members shall be increased annually as provided for  
 92 in s. 145.19.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	9,999	\$5,000	\$0.08330
II	10,000	49,999	5,833	0.020830
III	50,000	99,999	6,666	0.016680
IV	100,000	199,999	7,500	0.008330
V	200,000	399,999	8,333	0.004165
VI	400,000	999,999	9,166	0.001390
VII	1,000,000		10,000	0.000000

103 District school board member salaries negotiated on or after  
 104 November of 2006 shall remain in effect up to the date of the  
 105 2007-2008 calculation provided pursuant to s. 145.19.

106 (2) Notwithstanding the provisions of this section or s.

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107 145.19, Florida Statutes, district school board members may  
108 reduce their salary rate on a voluntary basis.

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

112 1001.42 Powers and duties of district school board.—The  
113 district school board, acting as a board, shall exercise all  
114 powers and perform all duties listed below:

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

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

123 1001.50 Superintendents employed under Art. IX of the State  
124 Constitution.—

125 (2) The district school board of each of such districts  
126 shall enter into contracts of employment with the district  
127 school superintendent and shall adopt rules relating to his or  
128 her appointment; however, on or after February 1, 2009, the  
129 district school board may not enter into an employment contract  
130 that is funded from state funds and that requires the district  
131 to pay a superintendent an amount in excess of 1 year of the  
132 superintendent's annual salary for termination, buy-out, or any  
133 other type of contract settlement.

134 Section 4. Paragraph (c) of subsection (3) of section  
135 1002.53, Florida Statutes, is amended to read:

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136 1002.53 Voluntary Prekindergarten Education Program;  
137 eligibility and enrollment.—

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

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

143

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

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

148 1002.61 Summer prekindergarten program delivered by public  
149 schools and private prekindergarten providers.—

150 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)  
151 ~~1002.63(5)~~, each public school and private prekindergarten  
152 provider must have, for each prekindergarten class, at least one  
153 prekindergarten instructor who:

154 (a) Is a certified teacher; or

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

157

158 As used in this subsection, the term "certified teacher" means a  
159 teacher holding a valid Florida educator certificate under s.  
160 1012.56 who has the qualifications required by the district  
161 school board to instruct students in the summer prekindergarten  
162 program. In selecting instructional staff for the summer  
163 prekindergarten program, each school district shall give  
164 priority to teachers who have experience or coursework in early

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165 childhood education.

166 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7)  
167 ~~1002.63(8)~~, each prekindergarten class in the summer  
168 prekindergarten program, regardless of whether the class is a  
169 public school's or private prekindergarten provider's class,  
170 must be composed of at least 4 students but may not exceed 12 ~~10~~  
171 students beginning with the 2009 summer session. In order to  
172 protect the health and safety of students, each public school or  
173 private prekindergarten provider must also provide appropriate  
174 adult supervision for students at all times. This subsection  
175 does not supersede any requirement imposed on a provider under  
176 ss. 402.301-402.319.

177 Section 6. Section 1002.63, Florida Statutes, is amended to  
178 read:

179 1002.63 School-year prekindergarten program delivered by  
180 public schools.—

181 (1) Each school district ~~eligible under subsection (4)~~ may  
182 administer the Voluntary Prekindergarten Education Program at  
183 the district level for students enrolled under s. 1002.53(3)(c)  
184 in a school-year prekindergarten program delivered by a public  
185 school.

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

188 (3) The district school board of each school district  
189 ~~eligible under subsection (4)~~ shall determine which public  
190 schools in the district may ~~are eligible to~~ deliver the  
191 prekindergarten program during the school year.

192 ~~(4) To be eligible to deliver the prekindergarten program~~  
193 ~~during the school year, each school district must meet both of~~

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194 ~~the following requirements:~~

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

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

200 ~~2. Has sufficient satisfactory educational facilities and~~  
201 ~~capital outlay funds to continue reducing the average class size~~  
202 ~~in each classroom in the district's elementary schools for each~~  
203 ~~year in accordance with the schedule for class size reduction~~  
204 ~~and to achieve full compliance with the maximum class sizes in~~  
205 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~  
206 ~~the 2010-2011 school year.~~

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

212 ~~(4)~~(5) Each public school must have, for each  
213 prekindergarten class, at least one prekindergarten instructor  
214 who meets each requirement in s. 1002.55(3)(c) for a  
215 prekindergarten instructor of a private prekindergarten  
216 provider.

217 ~~(5)~~(6) Each prekindergarten instructor employed by a public  
218 school delivering the school-year prekindergarten program must  
219 be of good moral character, must be screened using the level 2  
220 screening standards in s. 435.04 before employment and  
221 rescreened at least once every 5 years, must be denied  
222 employment or terminated if required under s. 435.06, and must



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223 not be ineligible to teach in a public school because his or her  
224 educator certificate is suspended or revoked. This subsection  
225 does not supersede employment requirements for instructional  
226 personnel in public schools which are more stringent than the  
227 requirements of this subsection.

228 (6)~~(7)~~ A public school prekindergarten provider may assign  
229 a substitute instructor to temporarily replace a credentialed  
230 instructor if the credentialed instructor assigned to a  
231 prekindergarten class is absent, as long as the substitute  
232 instructor is of good moral character and has been screened  
233 before employment in accordance with level 2 background  
234 screening requirements in chapter 435. This subsection does not  
235 supersede employment requirements for instructional personnel in  
236 public schools which are more stringent than the requirements of  
237 this subsection. The Agency for Workforce Innovation shall adopt  
238 rules to implement this subsection which shall include required  
239 qualifications of substitute instructors and the circumstances  
240 and time limits for which a public school prekindergarten  
241 provider may assign a substitute instructor.

242 (7)~~(8)~~ Each prekindergarten class in a public school  
243 delivering the school-year prekindergarten program must be  
244 composed of at least 4 students but may not exceed 18 students.  
245 In order to protect the health and safety of students, each  
246 school must also provide appropriate adult supervision for  
247 students at all times and, for each prekindergarten class  
248 composed of 11 or more students, must have, in addition to a  
249 prekindergarten instructor who meets the requirements of s.  
250 1002.55(3)(c), at least one adult prekindergarten instructor who  
251 is not required to meet those requirements but who must meet

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252 each requirement of subsection (5) ~~(6)~~.

253 ~~(8)(9)~~ Each public school delivering the school-year  
254 prekindergarten program must:

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

257 (b) Deliver the Voluntary Prekindergarten Education Program  
258 in accordance with this part.

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

262 1002.71 Funding; financial and attendance reporting.-

263 (3) (a) A separate ~~The~~ base student allocation per full-time  
264 equivalent student in the Voluntary Prekindergarten Education  
265 Program shall be provided in the General Appropriations Act for  
266 a school-year prekindergarten program and for a summer  
267 prekindergarten program. The base student allocation for a  
268 school-year program ~~and~~ shall be equal for each student,  
269 regardless of whether the student is enrolled in a school-year  
270 prekindergarten program delivered by a public school or a  
271 private prekindergarten provider. The base student allocation  
272 for ~~a~~ summer prekindergarten program shall be equal for each  
273 student, regardless of whether the student is enrolled in a  
274 summer prekindergarten program delivered by a public school or  
275 private prekindergarten provider, ~~or a school-year~~  
276 ~~prekindergarten program delivered by a public school.~~

277 (b) Each county's allocation per full-time equivalent  
278 student in the Voluntary Prekindergarten Education Program shall  
279 be calculated annually by multiplying the base student  
280 allocation provided in the General Appropriations Act by the

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281 county's district cost differential provided in s. 1011.62(2).  
282 Each private prekindergarten provider and public school shall be  
283 paid in accordance with the county's allocation per full-time  
284 equivalent student.

285 (c) The initial allocation shall be based on estimated  
286 student enrollment in each coalition service area. The Agency  
287 for Workforce Innovation shall reallocate funds among the  
288 coalitions based on actual full-time equivalent student  
289 enrollment in each coalition service area.

290 (d) For programs offered by school districts pursuant to s.  
291 1002.61 and beginning with the 2009 summer program, each  
292 district's funding shall be based on a full-time equivalent  
293 student enrollment that is evenly divisible by 12 ~~10~~. If the  
294 result of dividing a district's full-time equivalent student  
295 enrollment by 12 ~~10~~ is not a whole number, the district's  
296 enrollment calculation shall be adjusted by adding the minimum  
297 number of full-time equivalent students to produce a full-time  
298 equivalent student enrollment calculation that is evenly  
299 divisible by 12 ~~10~~.

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

301 (a) A child who, for any of the prekindergarten programs  
302 listed in s. 1002.53(3), has not completed more than 10 percent  
303 of the hours authorized to be reported for funding under  
304 subsection (2) may withdraw from the program for good cause,  
305 reenroll in one of the programs, and be reported for funding  
306 purposes as a full-time equivalent student in the program for  
307 which the child is reenrolled. The total funding for a child who  
308 reenrolls in one of the programs shall not exceed one full-time  
309 equivalent student.

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

317  
318 A child may reenroll only once in a prekindergarten program  
319 under this section. A child who reenrolls in a prekindergarten  
320 program under this subsection may not subsequently withdraw from  
321 the program and reenroll. The Agency for Workforce Innovation  
322 shall establish criteria specifying whether a good cause exists  
323 for a child to withdraw from a program under paragraph (a),  
324 whether a child has substantially completed a program under  
325 paragraph (b), and whether an extreme hardship exists which is  
326 beyond the child's or parent's control under paragraph (b).

327 (6)

328 (d) The Agency for Workforce Innovation shall adopt, for  
329 funding purposes, a uniform attendance policy for the Voluntary  
330 Prekindergarten Education Program. The attendance policy must  
331 apply statewide and apply equally to all private prekindergarten  
332 providers and public schools. The attendance policy must  
333 establish a minimum requirement for student attendance and  
334 include the following provisions:

335 1. Beginning with the 2009-2010 fiscal year for school-year  
336 programs and the 2009 summer program, a student who meets the  
337 minimum requirement of 80 percent of the total number of hours  
338 for the program may be reported as a full-time equivalent

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339 student for funding purposes.

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

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

347

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

352 (7) The Agency for Workforce Innovation shall require that  
353 administrative expenditures be kept to the minimum necessary for  
354 efficient and effective administration of the Voluntary  
355 Prekindergarten Education Program. Administrative policies and  
356 procedures shall be revised, to the maximum extent practicable,  
357 to incorporate the use of automation and electronic submission  
358 of forms, including those required for child eligibility and  
359 enrollment, provider and class registration, and monthly  
360 certification of attendance for payment. A school district may  
361 use its automated daily attendance reporting system for the  
362 purpose of transmitting attendance records to the early learning  
363 coalition in a mutually agreed-upon format. In addition, actions  
364 shall be taken to reduce paperwork, eliminate the duplication of  
365 reports, and eliminate other duplicative activities. Beginning  
366 with the 2008-2009 fiscal year, each early learning coalition  
367 may retain and expend no more than 4.85 ~~5~~ percent of the funds

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368 paid by the coalition to private prekindergarten providers and  
369 public schools under paragraph (5) (b). Funds retained by an  
370 early learning coalition under this subsection may be used only  
371 for administering the Voluntary Prekindergarten Education  
372 Program and may not be used for the school readiness program or  
373 other programs.

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

376 1002.73 Department of Education; powers and duties;  
377 accountability requirements.—

378 (2) The department shall adopt procedures for the  
379 department's:

380 ~~(c) Certification of school districts that are eligible to~~  
381 ~~deliver the school-year prekindergarten program under s.~~  
382 ~~1002.63.~~

383 (c) ~~(d)~~ Administration of the statewide kindergarten  
384 screening and calculation of kindergarten readiness rates under  
385 s. 1002.69.

386 Section 9. Paragraph (a) of subsection (4) of section  
387 1003.03, Florida Statutes, is amended to read:

388 1003.03 Maximum class size.—

389 (4) ACCOUNTABILITY.—

390 (a)1. Beginning in the 2003-2004 fiscal year, if the  
391 department determines for any year that a school district has  
392 not reduced average class size as required in subsection (2) at  
393 the time of the third FEFP calculation, the department shall  
394 calculate an amount from the class size reduction operating  
395 categorical which is proportionate to the amount of class size  
396 reduction not accomplished. Upon verification of the

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397 department's calculation by the Florida Education Finance  
398 Program Appropriation Allocation Conference and not later than  
399 March 1 of each year, the Executive Office of the Governor shall  
400 transfer undistributed funds equivalent to the calculated amount  
401 from the district's class size reduction operating categorical  
402 to an approved fixed capital outlay appropriation for class size  
403 reduction in the affected district pursuant to s. 216.292(2)(d).  
404 The amount of funds transferred shall be the lesser of the  
405 amount verified by the Florida Education Finance Program  
406 Appropriation Allocation Conference or the undistributed balance  
407 of the district's class size reduction operating categorical.

408 2. In lieu of the transfer required by subparagraph 1., the  
409 Commissioner of Education may recommend a budget amendment,  
410 subject to approval by the Legislative Budget Commission, to  
411 transfer an alternative amount of funds from the district's  
412 class size reduction operating categorical to its approved fixed  
413 capital outlay account for class size reduction if the  
414 commissioner finds that the State Board of Education has  
415 reviewed evidence indicating that a district has been unable to  
416 meet class size reduction requirements despite appropriate  
417 effort to do so. The commissioner's budget amendment must be  
418 submitted to the Legislative Budget Commission by February 15 of  
419 each year.

420 3. For the 2007-2008 fiscal year and thereafter, if in any  
421 fiscal year funds from a district's class size operating  
422 categorical are required to be transferred to its fixed capital  
423 outlay fund and the district's class size operating categorical  
424 allocation in the General Appropriations Act for that fiscal  
425 year has been reduced by a subsequent appropriation, the

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426 Commissioner of Education may recommend a 50 percent ~~10 percent~~  
427 reduction in the amount of the transfer.

428 Section 10. Paragraph (a) of subsection (2) of section  
429 1006.40, Florida Statutes, is amended to read:

430 1006.40 Use of instructional materials allocation;  
431 instructional materials, library books, and reference books;  
432 repair of books.—

433 (2) (a) Each district school board must purchase current  
434 instructional materials to provide each student with a textbook  
435 or other instructional materials as a major tool of instruction  
436 in core courses of the appropriate subject areas of mathematics,  
437 language arts, science, social studies, reading, and literature  
438 for kindergarten through grade 12. Such purchase must be made  
439 within the first 2 years after ~~of~~ the effective date of the  
440 adoption cycle; however, this requirement is waived for the  
441 adoption cycle occurring in the 2008-2009 academic year. Unless  
442 specifically provided for in the General Appropriations Act, the  
443 cost of instructional materials purchases required by this  
444 paragraph shall not exceed the amount of the district's  
445 allocation for instructional materials, pursuant to s. 1011.67,  
446 for the previous 2 years.

447 Section 11. Section 1011.051, Florida Statutes, is created  
448 to read:

449 1011.051 Guidelines for general funds.—The district school  
450 board shall maintain an unreserved general fund balance that is  
451 sufficient to address normal contingencies.

452 (1) If at any time the unreserved general fund balance in  
453 the district's approved operating budget is projected to fall  
454 during the current fiscal year below 3 percent of projected



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455 general fund revenues, the superintendent shall provide written  
456 notification to the district school board and the Commissioner  
457 of Education.

458 (2) If the unreserved general fund balance in the  
459 district's approved operating budget is projected to fall during  
460 the current fiscal year below 2 percent of projected general  
461 fund revenues, the superintendent shall provide written  
462 notification to the district school board and the Commissioner  
463 of Education. Within 14 days after receiving such notification,  
464 if the commissioner determines that the district does not have a  
465 plan that is reasonably anticipated to avoid a financial  
466 emergency as determined pursuant to 218.503, the commissioner  
467 shall appoint a financial emergency board that shall operate  
468 consistent with the requirements, powers, and duties specified  
469 in s. 218.503(3)(g).

470 Section 12. Paragraph (d) of subsection (2) and subsection  
471 (4) of section 1011.71, Florida Statutes, are amended to read:

472 1011.71 District school tax.—

473 (2) In addition to the maximum millage levy as provided in  
474 subsection (1), each school board may levy not more than 1.75  
475 mills against the taxable value for school purposes for district  
476 schools, including charter schools at the discretion of the  
477 school board, to fund:

478 (d) Effective July 1, 2008, the purchase, lease-purchase,  
479 or lease of new and replacement equipment, and enterprise  
480 resource software applications that are classified as capital  
481 assets in accordance with definitions of the Governmental  
482 Accounting Standards Board, have a useful life of at least 5  
483 years, and are used to support district-wide administration or

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484 state-mandated reporting requirements.

485 (4) Effective July 1, 2008, and through June 30, 2010, a  
486 school district ~~that has met the reduction requirements~~  
487 ~~regarding class size for the 2008-2009 fiscal year pursuant to~~  
488 ~~s. 1003.03 for K-12 students for whom the school district~~  
489 ~~provides the educational facilities and governs operations and~~  
490 ~~certifies to the Commissioner of Education that the district~~  
491 ~~does not need all of its discretionary 1.75-mill capital~~  
492 ~~improvement revenue for capital outlay purposes and all of the~~  
493 ~~district's instructional space needs for the next 5 years can be~~  
494 ~~met from capital outlay sources that the district reasonably~~  
495 ~~expects to receive during the next 5 years from local revenues~~  
496 ~~and from currently appropriated state facilities funding or from~~  
497 ~~alternative scheduling or construction, leasing, rezoning, or~~  
498 ~~technological methodologies that exhibit sound management may~~  
499 ~~expend, subject to the provisions of s. 200.065, up to \$100~~ \$65  
500 ~~per unweighted full-time equivalent student from the revenue~~  
501 ~~generated by the 2008-2009 millage levy authorized by subsection~~  
502 ~~(2) to fund, in addition to expenditures authorized in~~  
503 ~~paragraphs (2)(a)-(j), 2008-2009 expenses for the following:~~

504 (a) The purchase, lease-purchase, or lease of driver's  
505 education vehicles; motor vehicles used for the maintenance or  
506 operation of plants and equipment; security vehicles; or  
507 vehicles used in storing or distributing materials and  
508 equipment.

509 (b) Payment of the cost of premiums for property and  
510 casualty insurance necessary to insure school district  
511 educational and ancillary plants. Operating revenues that are  
512 made available through the payment of property and casualty

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513 insurance premiums from revenues generated under this subsection  
514 may be expended only for nonrecurring operational expenditures  
515 of the school district.

516 Section 13. Section 11 of chapter 2008-142 and section 2 of  
517 chapter 2008-213, Laws of Florida, are repealed.

518 Section 14. Paragraph (b) of subsection (6) of section  
519 1013.64, Florida Statutes, is amended to read:

520 1013.64 Funds for comprehensive educational plant needs;  
521 construction cost maximums for school district capital  
522 projects.—Allocations from the Public Education Capital Outlay  
523 and Debt Service Trust Fund to the various boards for capital  
524 outlay projects shall be determined as follows:

525 (6)

526 (b)1. A district school board, including a district school  
527 board of an academic performance-based charter school district,  
528 must not use funds from the following sources: Public Education  
529 Capital Outlay and Debt Service Trust Fund; School District and  
530 Community College District Capital Outlay and Debt Service Trust  
531 Fund; Classrooms First Program funds provided in s. 1013.68;  
532 effort index grant funds provided in s. 1013.73; nonvoted 1.75-  
533 mill ~~2-mill~~ levy of ad valorem property taxes provided in s.  
534 1011.71(2); Classrooms for Kids Program funds provided in s.  
535 1013.735; District Effort Recognition Program funds provided in  
536 s. 1013.736; or High Growth District Capital Outlay Assistance  
537 Grant Program funds provided in s. 1013.738 for any new  
538 construction of educational plant space with a total cost per  
539 student station, including change orders, that equals more than:

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

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

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

543  
544 (January 2006) as adjusted annually to reflect increases or  
545 decreases in the Consumer Price Index.

546 2. A district school board must not use funds from the  
547 Public Education Capital Outlay and Debt Service Trust Fund or  
548 the School District and Community College District Capital  
549 Outlay and Debt Service Trust Fund for any new construction of  
550 an ancillary plant that exceeds 70 percent of the average cost  
551 per square foot of new construction for all schools.

552 Section 15. Merit awards for instructional personnel and  
553 school-based administrators selected for the Merit Award Program  
554 in 2008-2009 shall be paid in the 2009-2010 fiscal year only to  
555 the extent that funds are available and specifically  
556 appropriated in the 2009-2010 fiscal year.

557 Section 16. (1) If the Commissioner of Education determines  
558 that a school district acted in good faith, he or she may waive  
559 the equal-dollar reduction required in s. 1011.71(5), Florida  
560 Statutes, for expenditures for property and casualty insurance  
561 made between May 1 and December 31, 2007, and for the audit  
562 findings for the 2006-2007 fiscal year related to the purchase  
563 of software.

564 (2) This section shall take effect upon this act becoming a  
565 law, but only if the School Board of Miami-Dade County dismisses  
566 the lawsuit entitled "School Board of Miami-Dade County v. State  
567 of Florida Board of Education," case number 09-00507CA20, which  
568 is pending in the Circuit Court of the Eleventh Judicial  
569 Circuit.

570 Section 17. In order to implement Specific Appropriations

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571 2, 3, and 42 through 45 of the Special Appropriations Act for  
572 the 2008-2009 fiscal year, the calculations of the Florida  
573 Education Finance Program for the 2008-2009 fiscal year in the  
574 document entitled "Public School Funding - The Florida Education  
575 Finance Program," dated January 11, 2009, and filed with the  
576 Secretary of the Senate are incorporated by reference for the  
577 purpose of displaying the calculations used by the Legislature,  
578 consistent with requirements of the Florida Statutes, in making  
579 appropriations and reductions in appropriations for the Florida  
580 Education Finance Program.

581 Section 18. Except as otherwise expressly provided in this  
582 act, this act shall take effect February 1, 2009, or upon  
583 becoming a law, whichever occurs later; however, the provisions  
584 of s. 1011.71, Florida Statutes, as amended by this act, shall  
585 operate retroactively to July 1, 2008, and, if this act becomes  
586 a law after February 1, 2009, the provisions of s. 1002.71,  
587 Florida Statutes, as amended by this act, shall operate  
588 retroactively to February 1, 2009.