



700952

602-02837D-10

Proposed Committee Substitute by the Committee on Education Pre-
K - 12 Appropriations

1 A bill to be entitled
2 An act relating to public school funding; amending s.
3 212.055, F.S.; deleting a requirement that school
4 boards imposing the school capital outlay surtax
5 freeze noncapital local school property taxes for at
6 least 3 years; repealing s. 216.292(2)(d), F.S.,
7 relating to the transfer of funds for class size
8 reduction; conforming provisions to changes made by
9 the act; amending s. 1001.395, F.S.; revising the
10 limitation on salaries of district school board
11 members; amending s. 1001.451, F.S.; removing the
12 repeal of provisions authorizing a reduction in the
13 incentive grants that are awarded to consortium
14 service organizations; amending s. 1001.47, F.S.;
15 requiring that the salary of elected district school
16 superintendents equal the salary paid for the 2009-
17 2010 fiscal year; defining the term "salary"; amending
18 s. 1001.50, F.S.; encouraging district school boards
19 that employ a superintendent to agree to remuneration
20 for the superintendent which does not exceed that
21 provided in the 2009-2010 fiscal year; amending s.
22 1002.32, F.S.; including the millage levied for fixed
23 capital outlay in determining the amount provided to
24 lab schools for operating expenses; amending s.
25 1002.33, F.S.; requiring that a charter school comply
26 with statutes pertaining to maximum class size;
27 revising requirements for calculating the



700952

602-02837D-10

28 administrative fee that the sponsor of a charter
29 school may withhold and use for capital outlay
30 purposes; amending s. 1002.37, F.S.; providing certain
31 limitations on reporting credits earned by a student
32 through the Florida Virtual School for purposes of
33 funding; including the millage levied for fixed
34 capital outlay in determining the amount provided to
35 the Florida Virtual School for operating expenses;
36 amending s. 1002.45, F.S.; providing for school
37 district virtual instruction programs to include
38 programs offered by community colleges; requiring that
39 community college instructors meet certification
40 requirements; prohibiting a community college from
41 reporting students served in a school district virtual
42 instruction program for funding under the Community
43 College Program Fund; removing obsolete provisions
44 requiring a report; amending ss. 1002.55 and 1002.63,
45 F.S.; revising the requirements for private
46 prekindergarten providers and public school-year
47 prekindergarten programs with respect to the number of
48 students for each class; requiring an instructor for
49 certain classes who holds specified credentials;
50 amending s. 1002.71, F.S.; reducing the amount of
51 funds that an early learning coalition may retain for
52 administrative purposes from funds paid to private
53 prekindergarten providers and public schools; amending
54 s. 1003.03, F.S.; revising requirements for the
55 Department of Education with respect to calculating
56 the maximum class size based on student membership;



700952

602-02837D-10

57 deleting obsolete provisions; providing for reductions
58 in a district's class-size-reduction operating
59 categorical allocation under certain circumstances;
60 providing for a budget amendment in the case of an
61 extreme emergency and subject to approval of the
62 Legislative Budget Commission; providing for
63 alternative measures to take effect upon approval of
64 an amendment to the State Constitution by the electors
65 of the state; providing for virtual instruction
66 courses to be included in implementing the class size
67 maximums; amending s. 1003.492, F.S.; clarifying the
68 duties of the Department of Education in approving the
69 list of industry certifications for career education
70 programs; amending s. 1006.28, F.S.; redefining the
71 term "adequate instructional materials" to include
72 electronic textbooks; creating s. 1006.281, F.S.;
73 encouraging school districts to provide access for
74 teachers, students, and parents to an electronic
75 learning management system; specifying the required
76 functionality of such a system; requiring the
77 Department of Education to assist school districts in
78 deploying an electronic learning management system;
79 amending s. 1006.29, F.S.; providing that
80 instructional materials include electronic textbooks;
81 requiring that a publisher or manufacturer providing
82 instructional materials as a single bundle make the
83 materials available separately and priced
84 individually; requiring that instructional materials
85 adopted after a specified date for students in grades



700952

602-02837D-10

86 9 through 12 be provided primarily in an electronic
87 format; amending s. 1006.33, F.S.; requiring that an
88 advertisement for bids for instructional materials
89 require the bidder to furnish electronic specimen
90 copies of the materials; requiring that district
91 school superintendents request samples in a format
92 other than an electronic format through the
93 department; amending s. 1006.40, F.S.; requiring that
94 a specified percentage of a district's annual
95 allocation for instructional materials be used for
96 electronic materials beginning with the 2012-2013
97 fiscal year; including electronic textbooks as an
98 approved item of instruction; amending s. 1007.27,
99 F.S.; providing that secondary school students are
100 authorized users of the state-funded electronic
101 library resources licensed for public colleges and
102 universities; providing for verification of
103 eligibility according to rules established by the
104 State Board of Education and the Board of Governors of
105 the State University System; amending s. 1008.34,
106 F.S.; providing for the calculation of certain school
107 grades to include student completion of specified
108 courses; amending s. 1011.03, F.S.; requiring that a
109 district school board post its proposed millage levies
110 on the district's website; revising the requirements
111 for publishing the proposed levies in a newspaper;
112 amending s. 1011.60, F.S.; deleting a requirement that
113 the State Board of Education adopt rules governing the
114 school term; amending s. 1011.62, F.S.; revising the



700952

602-02837D-10

115 requirements for calculating full-time equivalent
116 student membership; reducing the amount authorized for
117 teacher bonuses; requiring that a district allocate a
118 specified percentage of funds for industry
119 certification to the center or program that generated
120 the funds; authorizing a district school board to use
121 categorical funds for materials that meet the Next
122 Generation Sunshine State Standards and for certain
123 hardware; providing for adjusting a district's
124 sparsity supplement based on Merit Award Program
125 funds; clarifying that a calculation subsequent to an
126 appropriation does not result in negative state funds
127 for any district; amending s. 1011.64, F.S., relating
128 to minimum classroom expenditure requirements;
129 conforming a cross-reference; amending s. 1011.67,
130 F.S.; removing requirements for the staggered
131 distribution of funds to districts for instructional
132 materials; amending s. 1011.66, F.S.; removing a
133 provision authorizing the distribution of 60 percent
134 of FEFP funds to a district during the first quarter
135 of a fiscal year; amending s. 1011.68, F.S.; requiring
136 that the allocation for student transportation be
137 determined by the Legislature rather than based on the
138 prior year's average student cost for transportation;
139 amending s. 1011.71, F.S.; removing certain
140 requirements for the additional millage levied by a
141 district for critical capital outlay needs or critical
142 operating needs; amending s. 1011.73, F.S., relating
143 to district millage elections; correcting a cross-



700952

602-02837D-10

144 reference; amending s. 1012.33, F.S.; exempting
145 specified reemployed instructional personnel from
146 certain requirements for determining pay; amending s.
147 1012.55, F.S.; requiring that instructional personnel
148 providing instruction through a virtual environment
149 hold certification as otherwise required by law and
150 rule; amending s. 1013.62, F.S.; providing that a
151 charter school provided by a business partner as a
152 school-in-the-workplace is eligible for an allocation
153 of funds for capital outlay purposes unless the school
154 facilities are provided by the business partnership;
155 amending s. 1013.64, F.S.; requiring that the Office
156 of Educational Facilities assist school districts in
157 developing lists of approved school construction
158 projects; providing certain limits on total project
159 costs and limiting additional funding, except for
160 providential causes; requiring that the Office of
161 Educational Facilities review and approve final phase
162 III plans for a project; revising the composition of
163 the membership of the Special Facility Construction
164 Committee; providing for the incorporation by
165 reference of certain calculations used by the
166 Legislature for the 2010-2011 fiscal year; providing
167 effective dates.

168

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

170

171 Section 1. Paragraphs (d) and (e) of subsection (6) of
172 section 212.055, Florida Statutes, are amended to read:



700952

602-02837D-10

173 212.055 Discretionary sales surtaxes; legislative intent;
174 authorization and use of proceeds.—It is the legislative intent
175 that any authorization for imposition of a discretionary sales
176 surtax shall be published in the Florida Statutes as a
177 subsection of this section, irrespective of the duration of the
178 levy. Each enactment shall specify the types of counties
179 authorized to levy; the rate or rates which may be imposed; the
180 maximum length of time the surtax may be imposed, if any; the
181 procedure which must be followed to secure voter approval, if
182 required; the purpose for which the proceeds may be expended;
183 and such other requirements as the Legislature may provide.
184 Taxable transactions and administrative procedures shall be as
185 provided in s. 212.054.

186 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

187 ~~(d) Any school board imposing the surtax shall implement a~~
188 ~~freeze on noncapital local school property taxes, at the millage~~
189 ~~rate imposed in the year prior to the implementation of the~~
190 ~~surtax, for a period of at least 3 years from the date of~~
191 ~~imposition of the surtax. This provision shall not apply to~~
192 ~~existing debt service or taxes authorized in the General~~
193 ~~Appropriations Act.~~

194 (d)(e) Surtax revenues collected by the Department of
195 Revenue pursuant to this subsection shall be distributed to the
196 school board imposing the surtax in accordance with law.

197 Section 2. Paragraph (d) of subsection (2) of section
198 216.292, Florida Statutes, is repealed.

199 Section 3. Subsection (3) of section 1001.395, Florida
200 Statutes, is amended to read:

201 1001.395 District school board members; compensation.—



700952

602-02837D-10

202 (3) Notwithstanding the provisions of this section and s.
203 145.19, beginning with the 2010-2011 ~~for the 2009-2010~~ fiscal
204 year and each fiscal year thereafter, the salary of each
205 district school board member shall be the amount calculated
206 pursuant to subsection (1) or the salary of legislative members,
207 other than the President of the Senate and the Speaker of the
208 House of Representatives, for the corresponding fiscal year
209 ~~district's beginning salary for teachers who hold baccalaureate~~
210 ~~degrees~~, whichever is less.

211 Section 4. Paragraph (c) of subsection (2) of section
212 1001.451, Florida Statutes, is amended to read:

213 1001.451 Regional consortium service organizations.—In
214 order to provide a full range of programs to larger numbers of
215 students, minimize duplication of services, and encourage the
216 development of new programs and services:

217 (2)

218 (c) Notwithstanding paragraph (a), the appropriation for
219 any the 2009-2010 fiscal year may be less than \$50,000 per
220 school district and eligible member. If the amount appropriated
221 is insufficient to provide \$50,000, the funds available must be
222 prorated among all eligible districts and members. ~~This~~
223 ~~paragraph expires July 1, 2010.~~

224 Section 5. Subsection (8) is added to section 1001.47,
225 Florida Statutes, to read:

226 1001.47 District school superintendent; salary.—

227 (8) Notwithstanding the provisions of this section and s.
228 145.19, for the 2010-2011 fiscal year, the salary of each
229 elected district school superintendent shall equal the salary
230 paid for the 2009-2010 fiscal year. As used in this subsection,



700952

602-02837D-10

231 the term "salary" means the sum total of the following amounts:
232 any district school board-approved salary authorized pursuant to
233 subsection (1); the formula-based salary calculated pursuant to
234 subsections (2) and (3); any special qualification salary
235 authorized pursuant to subsection (4); and any performance
236 salary incentive authorized pursuant to subsection (5).

237 Section 6. Subsection (6) of section 1001.50, Florida
238 Statutes, is amended to read:

239 1001.50 Superintendents employed under Art. IX of the State
240 Constitution.—

241 (6) District school boards and superintendents employed
242 pursuant to this section are encouraged to review the
243 superintendent's annual remuneration ~~for the 2009-2010 fiscal~~
244 ~~year~~ and mutually agree that the remuneration for the 2010-2011
245 fiscal year will not exceed the remuneration for the 2009-2010
246 fiscal year ~~to a reduction of at least 5 percent.~~

247 Section 7. Paragraph (d) of subsection (9) of section
248 1002.32, Florida Statutes, is amended to read:

249 1002.32 Developmental research (laboratory) schools.—

250 (9) FUNDING.—Funding for a lab school, including a charter
251 lab school, shall be provided as follows:

252 (d) Each lab school shall receive funds for operating
253 purposes in an amount determined as follows: multiply the
254 maximum allowable nonvoted discretionary millage for operations
255 pursuant to s. 1011.71(1) and (3) by the value of 95 percent of
256 the current year's taxable value for school purposes for the
257 district in which each lab school is located; divide the result
258 by the total full-time equivalent membership of the district;
259 and multiply the result by the full-time equivalent membership



700952

602-02837D-10

260 of the lab school. The amount thus obtained shall be
261 discretionary operating funds and shall be appropriated from
262 state funds in the General Appropriations Act to the Lab School
263 Trust Fund.

264 Section 8. Paragraph (a) of subsection (16) and paragraph
265 (a) of subsection (20) of section 1002.33, Florida Statutes, are
266 amended to read:

267 1002.33 Charter schools.—

268 (16) EXEMPTION FROM STATUTES.—

269 (a) A charter school shall operate in accordance with its
270 charter and shall be exempt from all statutes in chapters 1000-
271 1013. However, a charter school shall be in compliance with the
272 following statutes in chapters 1000-1013:

273 1. Those statutes specifically applying to charter schools,
274 including this section.

275 2. Those statutes pertaining to the student assessment
276 program and school grading system.

277 3. Those statutes pertaining to the provision of services
278 to students with disabilities.

279 4. Those statutes pertaining to civil rights, including s.
280 1000.05, relating to discrimination.

281 5. Those statutes pertaining to student health, safety, and
282 welfare.

283 6. Those statutes pertaining to maximum class size.

284 (20) SERVICES.—

285 (a)1. A sponsor shall provide certain administrative and
286 educational services to charter schools. These services shall
287 include contract management services; full-time equivalent and
288 data reporting services; exceptional student education



700952

602-02837D-10

289 administration services; services related to eligibility and
290 reporting duties required to ensure that school lunch services
291 under the federal lunch program, consistent with the needs of
292 the charter school, are provided by the school district at the
293 request of the charter school, that any funds due to the charter
294 school under the federal lunch program be paid to the charter
295 school as soon as the charter school begins serving food under
296 the federal lunch program, and that the charter school is paid
297 at the same time and in the same manner under the federal lunch
298 program as other public schools serviced by the sponsor or the
299 school district; test administration services, including payment
300 of the costs of state-required or district-required student
301 assessments; processing of teacher certificate data services;
302 and information services, including equal access to student
303 information systems that are used by public schools in the
304 district in which the charter school is located. Student
305 performance data for each student in a charter school,
306 including, but not limited to, FCAT scores, standardized test
307 scores, previous public school student report cards, and student
308 performance measures, shall be provided by the sponsor to a
309 charter school in the same manner provided to other public
310 schools in the district.

311 2. A total administrative fee for the provision of such
312 services shall be calculated based upon up to 5 percent of the
313 available funds defined in paragraph (17)(b) for all students.
314 However, a sponsor may only withhold up to a 5 percent ~~5-percent~~
315 administrative fee for enrollment for up to and including 250
316 ~~500~~ students. For charter schools with a population of 251 ~~501~~
317 or more students, the difference between the total



700952

602-02837D-10

318 administrative fee calculation and the amount of the
319 administrative fee withheld may only be used for capital outlay
320 purposes specified in s. 1013.62(2).

321 3. In addition, a sponsor may withhold only up to a 5
322 percent administrative fee for enrollment for up to and
323 including 500 students within the system for a system of charter
324 schools which meets all of the following:

325 a. Includes both conversion charter schools and non-
326 conversion charter schools;

327 b. All schools are located in the same municipality in the
328 same county;

329 c. Has a total enrollment exceeding the total enrollment of
330 at least one county school district in the state;

331 d. Has the same governing board; and

332 e. Does not contract with a for-profit service provider for
333 management of school operations.

334 4. The difference between the total administrative fee
335 calculation and the amount of the administrative fee withheld
336 for such system of charter schools may be used for instructional
337 and administrative purposes as well as for capital outlay
338 purposes specified in s. 1013.62(2).

339 5. Each charter school shall receive 100 percent of the
340 funds awarded to that school pursuant to s. 1012.225. Sponsors
341 shall not charge charter schools any additional fees or
342 surcharges for administrative and educational services in
343 addition to the maximum 5 percent ~~5-percent~~ administrative fee
344 withheld pursuant to this paragraph.

345 Section 9. Paragraphs (a) and (f) of subsection (3) of
346 section 1002.37, Florida Statutes, are amended to read:



700952

602-02837D-10

347 1002.37 The Florida Virtual School.—

348 (3) Funding for the Florida Virtual School shall be
349 provided as follows:

350 (a) A "full-time equivalent student" for the Florida
351 Virtual School is one student who has successfully completed six
352 credits that shall count toward the minimum number of credits
353 required for high school graduation. A student who completes
354 less than six credits shall be a fraction of a full-time
355 equivalent student. Half-credit completions shall be included in
356 determining a full-time equivalent student. Half-credits earned
357 by a student 20 weeks or more after beginning the course, and
358 credits earned by a student 40 weeks or more after beginning the
359 course, are not eligible to be funded and may not be reported.
360 Credit completed by a student in excess of the minimum required
361 for that student for high school graduation is not eligible for
362 funding.

363 (f) The Florida Virtual School shall receive funds for
364 operating purposes in an amount determined as follows: multiply
365 the maximum allowable nonvoted discretionary millage for
366 operations pursuant to s. 1011.71(1) and (3) by the value of 95
367 percent of the current year's taxable value for school purposes
368 for the state; divide the result by the total full-time
369 equivalent membership of the state; and multiply the result by
370 the full-time equivalent membership of the school. The amount
371 thus obtained shall be discretionary operating funds and shall
372 be appropriated from state funds in the General Appropriations
373 Act.

374 Section 10. Paragraphs (a) and (b) of subsection (1),
375 paragraph (a) of subsection (2), and subsections (7) and (12) of



700952

602-02837D-10

376 section 1002.45, Florida Statutes, are amended to read:
377 1002.45 School district virtual instruction programs.—
378 (1) PROGRAM.—
379 (a) For purposes of this section, the term:
380 1. "Approved provider" means a provider that is approved by
381 the Department of Education under subsection (2), the Florida
382 Virtual School, ~~or~~ a franchise of the Florida Virtual School, or
383 a public community college.
384 2. "Virtual instruction program" means a program of
385 instruction provided in an interactive learning environment
386 created through technology in which students are separated from
387 their teachers by time or space, or both, and in which a
388 Florida-certified teacher under chapter 1012 is responsible for
389 at least:
390 a. Fifty percent of the direct instruction to students in
391 kindergarten through grade 5; or
392 b. Eighty percent of the direct instruction to students in
393 grades 6 through 12.
394 (b) Beginning with the 2009-2010 school year, each school
395 district shall provide eligible students within its boundaries
396 the option of participating in a virtual instruction program.
397 The purpose of the program is to make instruction available to
398 students using online and distance learning technology in the
399 nontraditional classroom. The program shall be:
400 1. Full-time for students enrolled in kindergarten through
401 grade 12.
402 2. Full-time or part-time for students in grades 9 through
403 12 who are enrolled in dropout prevention and academic
404 intervention programs under s. 1003.53, ~~or~~ Department of



700952

602-02837D-10

405 Juvenile Justice education programs under s. 1003.52, core-
406 curricula courses to meet class size requirements, or community
407 colleges in grades 9 through 12.

408 (2) PROVIDER QUALIFICATIONS.-

409 (a) The department shall annually provide school districts
410 with a list of providers approved to offer virtual instruction
411 programs. To be approved by the department, a provider must
412 document that it:

413 1. Is nonsectarian in its programs, admission policies,
414 employment practices, and operations;

415 2. Complies with the antidiscrimination provisions of s.
416 1000.05;

417 3. Locates an administrative office or offices in this
418 state, requires its administrative staff to be state residents,
419 requires all instructional staff to be Florida-certified
420 teachers under chapter 1012, and conducts background screenings
421 for all employees or contracted personnel, as required by s.
422 1012.32, using state and national criminal history records;

423 4. Possesses prior, successful experience offering online
424 courses to elementary, middle, or high school students; ~~and~~

425 5. Is accredited by the Southern Association of Colleges
426 and Schools Council on Accreditation and School Improvement, the
427 North Central Association Commission on Accreditation and School
428 Improvement, the Middle States Association of Colleges and
429 Schools Commission on Elementary Schools and Commission on
430 Secondary Schools, the New England Association of Schools and
431 Colleges, the Northwest Association of Accredited Schools, the
432 Western Association of Schools and Colleges, or the Commission
433 on International and Trans-Regional Accreditation; and-



700952

602-02837D-10

434 6. If the provider is a community college, its instructors
435 meet the certification requirements for instructional staff.

436 (7) FUNDING.—

437 (a) For purposes of a school district virtual instruction
438 program, “full-time equivalent student” has the same meaning as
439 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

440 (b) The school district in which the student resides shall
441 report full-time equivalent students for the school district
442 virtual instruction program to the department in a manner
443 prescribed by the department, and funding shall be provided
444 through the Florida Education Finance Program. Funds received by
445 the school district of residence for a student in a virtual
446 instruction program provided by another school district under
447 this section shall be transferred to the school district
448 providing the virtual instruction program.

449 (c) A community college provider may not report students
450 who are served in a school district virtual instruction program
451 for funding under the Community College Program Fund.

452 ~~(12) STUDY.—The department shall review the advisability of~~
453 ~~legislatively authorizing school districts to contract with~~
454 ~~approved private providers for the provision of part-time~~
455 ~~virtual instruction programs for students in grades 9 through 12~~
456 ~~who are not enrolled in programs under ss. 1003.52 and 1003.53.~~
457 ~~The department shall report its findings and recommendations to~~
458 ~~the presiding officers of the Legislature and the Governor by~~
459 ~~January 15, 2010.~~

460 Section 11. Paragraphs (c) and (f) of subsection (3) of
461 section 1002.55, Florida Statutes, are amended to read:

462 1002.55 School-year prekindergarten program delivered by



700952

602-02837D-10

463 private prekindergarten providers.-

464 (3) To be eligible to deliver the prekindergarten program,
465 a private prekindergarten provider must meet each of the
466 following requirements:

467 (c) The private prekindergarten provider must have, for
468 each prekindergarten class composed of 12 children or fewer, at
469 least one prekindergarten instructor who meets each of the
470 following requirements:

471 1. The prekindergarten instructor must hold, at a minimum,
472 one of the following credentials:

473 a. A child development associate credential issued by the
474 National Credentialing Program of the Council for Professional
475 Recognition; or

476 b. A credential approved by the Department of Children and
477 Family Services as being equivalent to or greater than the
478 credential described in sub-subparagraph a.

479

480 The Department of Children and Family Services may adopt rules
481 under ss. 120.536(1) and 120.54 which provide criteria and
482 procedures for approving equivalent credentials under sub-
483 subparagraph b.

484 2. The prekindergarten instructor must successfully
485 complete an emergent literacy training course approved by the
486 department as meeting or exceeding the minimum standards adopted
487 under s. 1002.59. This subparagraph does not apply to a
488 prekindergarten instructor who successfully completes approved
489 training in early literacy and language development under s.
490 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
491 establishment of one or more emergent literacy training courses



700952

602-02837D-10

492 under s. 1002.59 or April 1, 2005, whichever occurs later.

493 (f) Each of the private prekindergarten provider's
494 prekindergarten classes must be composed of at least 4 students
495 but may not exceed 24 ~~18~~ students. In order to protect the
496 health and safety of students, each private prekindergarten
497 provider must also provide appropriate adult supervision for
498 students at all times and, for each prekindergarten class
499 composed of 13 to 20 ~~11 or more~~ students, must have, in addition
500 to a prekindergarten instructor who meets the requirements of
501 paragraph (c), at least one adult prekindergarten instructor who
502 is not required to meet those requirements but who must meet
503 each requirement of paragraph (d). Each prekindergarten class
504 composed of 21 to 24 students must have an additional
505 prekindergarten instructor who meets the requirements of
506 paragraph (c). This paragraph does not supersede any requirement
507 imposed on a provider under ss. 402.301-402.319.

508 Section 12. Subsection (7) of section 1002.63, Florida
509 Statutes, is amended to read:

510 1002.63 School-year prekindergarten program delivered by
511 public schools.—

512 (7) Each prekindergarten class in a public school
513 delivering the school-year prekindergarten program must be
514 composed of at least 4 students but may not exceed 24 ~~18~~
515 students. In order to protect the health and safety of students,
516 each school must also provide appropriate adult supervision for
517 students at all times and, for each prekindergarten class
518 composed of 13 to 20 ~~11 or more~~ students, must have, in addition
519 to a prekindergarten instructor who meets the requirements of s.
520 1002.55(3)(c), at least one adult prekindergarten instructor who



700952

602-02837D-10

521 is not required to meet those requirements but who must meet
522 each requirement of subsection (5). Each prekindergarten class
523 composed of 21 to 24 students must have an additional
524 prekindergarten instructor who meets the requirements of
525 paragraph (c).

526 Section 13. Subsection (7) of section 1002.71, Florida
527 Statutes, is amended to read:

528 1002.71 Funding; financial and attendance reporting.—

529 (7) The Agency for Workforce Innovation shall require that
530 administrative expenditures be kept to the minimum necessary for
531 efficient and effective administration of the Voluntary
532 Prekindergarten Education Program. Administrative policies and
533 procedures shall be revised, to the maximum extent practicable,
534 to incorporate the use of automation and electronic submission
535 of forms, including those required for child eligibility and
536 enrollment, provider and class registration, and monthly
537 certification of attendance for payment. A school district may
538 use its automated daily attendance reporting system for the
539 purpose of transmitting attendance records to the early learning
540 coalition in a mutually agreed-upon format. In addition, actions
541 shall be taken to reduce paperwork, eliminate the duplication of
542 reports, and eliminate other duplicative activities. Beginning
543 with the 2010-2011 ~~2008-2009~~ fiscal year, each early learning
544 coalition may retain and expend no more than 4.5 ~~4.85~~ percent of
545 the funds paid by the coalition to private prekindergarten
546 providers and public schools under paragraph (5) (b). Funds
547 retained by an early learning coalition under this subsection
548 may be used only for administering the Voluntary Prekindergarten
549 Education Program and may not be used for the school readiness



700952

602-02837D-10

550 program or other programs.

551 Section 14. Subsections (2), (3), and (4) of section
552 1003.03, Florida Statutes, are amended to read:

553 1003.03 Maximum class size.—

554 (2) IMPLEMENTATION.—The Department of Education shall
555 annually calculate class size measures defined in subsection (1)
556 based upon the October student membership survey, except that
557 the calculation for 2010-2011 shall be based on the February
558 student membership survey.

559 ~~(a) Beginning with the 2003-2004 fiscal year, each school~~
560 ~~district that is not in compliance with the maximums in~~
561 ~~subsection (1) shall reduce the average number of students per~~
562 ~~classroom in each of the following grade groupings:~~
563 ~~prekindergarten through grade 3, grade 4 through grade 8, and~~
564 ~~grade 9 through grade 12, by at least two students each year.~~

565 ~~(b) Determination of the number of students per classroom~~
566 ~~in paragraph (a) shall be calculated as follows:~~

567 ~~1. For fiscal years 2003-2004 through 2005-2006, the~~
568 ~~calculation for compliance for each of the 3 grade groupings~~
569 ~~shall be the average at the district level.~~

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

573 ~~3. For fiscal year 2010-2011 and thereafter, the~~
574 ~~calculation for compliance shall be at the individual classroom~~
575 ~~level.~~

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



700952

602-02837D-10

579 ~~(c) The Department of Education shall annually calculate~~
580 ~~each of the three average class size measures defined in~~
581 ~~paragraphs (a) and (b) based upon the October student membership~~
582 ~~survey. For purposes of determining the baseline from which each~~
583 ~~district's average class size must be reduced for the 2003-2004~~
584 ~~school year, the department shall use data from the February~~
585 ~~2003 student membership survey updated to include classroom~~
586 ~~identification numbers as required by the department.~~

587 ~~(d) Prior to the adoption of the district school budget for~~
588 ~~2004-2005, each district school board shall hold public hearings~~
589 ~~to review school attendance zones in order to ensure maximum use~~
590 ~~of facilities while minimizing the additional use of~~
591 ~~transportation in order to comply with the two student per year~~
592 ~~reduction required in paragraph (a). School districts that meet~~
593 ~~the constitutional class size maximums described in subsection~~
594 ~~(1) are exempt from this requirement.~~

595 (3) IMPLEMENTATION OPTIONS.—District school boards must
596 consider, but are not limited to, implementing the following
597 items in order to meet the constitutional class size maximums
598 described in subsection (1) ~~and the two student per year~~
599 ~~reduction required in subsection (2):~~

600 (a) Adopt policies to encourage qualified students to take
601 dual enrollment courses.

602 (b) Adopt policies to encourage students to take courses
603 from the Florida Virtual School and school district virtual
604 instruction programs.

605 (c)1. Repeal district school board policies that require
606 students to have more than 24 credits to graduate from high
607 school.



700952

602-02837D-10

608 2. Adopt policies to allow students to graduate from high
609 school as soon as they pass the grade 10 FCAT and complete the
610 courses required for high school graduation.

611 (d) Use methods to maximize use of instructional staff,
612 such as changing required teaching loads and scheduling of
613 planning periods, deploying district employees that have
614 professional certification to the classroom, using adjunct
615 educators, or any other method not prohibited by law.

616 (e) Use innovative methods to reduce the cost of school
617 construction by using prototype school designs, using SMART
618 Schools designs, participating in the School Infrastructure
619 Thrift Program, or any other method not prohibited by law.

620 (f) Use joint-use facilities through partnerships with
621 community colleges, state universities, and private colleges and
622 universities. Joint-use facilities available for use as K-12
623 classrooms that do not meet the K-12 State Regulations for
624 Educational Facilities in the Florida Building Code may be used
625 at the discretion of the district school board provided that
626 such facilities meet all other health, life, safety, and fire
627 codes.

628 (g) Adopt alternative methods of class scheduling, such as
629 block scheduling.

630 (h) Redraw school attendance zones to maximize use of
631 facilities while minimizing the additional use of
632 transportation.

633 (i) Operate schools beyond the normal operating hours to
634 provide classes in the evening or operate more than one session
635 of school during the day.

636 (j) Use year-round schools and other nontraditional



700952

602-02837D-10

637 calendars that do not adversely impact annual assessment of
638 student achievement.

639 (k) Review and consider amending any collective bargaining
640 contracts that hinder the implementation of class size
641 reduction.

642 (l) Use any other approach not prohibited by law.

643 (4) ACCOUNTABILITY.—

644 ~~(a) 1. Beginning in the 2003-2004 fiscal year, if the~~
645 ~~department determines for any year that a school district has~~
646 ~~not reduced average class size as required in subsection (2) at~~
647 ~~the time of the third FEFP calculation, the department shall~~
648 ~~calculate an amount from the class size reduction operating~~
649 ~~categories which is proportionate to the amount of class size~~
650 ~~reduction not accomplished. Upon verification of the~~
651 ~~department's calculation by the Florida Education Finance~~
652 ~~Program Appropriation Allocation Conference and not later than~~
653 ~~March 1 of each year, the Executive Office of the Governor shall~~
654 ~~transfer undistributed funds equivalent to the calculated amount~~
655 ~~from the district's class size reduction operating categories~~
656 ~~to an approved fixed capital outlay appropriation for class size~~
657 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
658 ~~The amount of funds transferred shall be the lesser of the~~
659 ~~amount verified by the Florida Education Finance Program~~
660 ~~Appropriation Allocation Conference or the undistributed balance~~
661 ~~of the district's class size reduction operating categories.~~

662 ~~2. In lieu of the transfer required by subparagraph 1., the~~
663 ~~Commissioner of Education may recommend a budget amendment,~~
664 ~~subject to approval by the Legislative Budget Commission, to~~
665 ~~transfer an alternative amount of funds from the district's~~



700952

602-02837D-10

666 ~~class size reduction operating categorical to its approved fixed~~
667 ~~capital outlay account for class size reduction if the~~
668 ~~commissioner finds that the State Board of Education has~~
669 ~~reviewed evidence indicating that a district has been unable to~~
670 ~~meet class size reduction requirements despite appropriate~~
671 ~~effort to do so. The commissioner's budget amendment must be~~
672 ~~submitted to the Legislative Budget Commission by February 15 of~~
673 ~~each year.~~

674 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
675 ~~fiscal year funds from a district's class size operating~~
676 ~~categorical are required to be transferred to its fixed capital~~
677 ~~outlay fund and the district's class size operating categorical~~
678 ~~allocation in the General Appropriations Act for that fiscal~~
679 ~~year has been reduced by a subsequent appropriation, the~~
680 ~~Commissioner of Education may recommend a 50-percent reduction~~
681 ~~in the amount of the transfer.~~

682 ~~(a)(b) Beginning in the 2010-2011 fiscal year and each year~~
683 ~~thereafter, If the department determines that the number of~~
684 ~~students assigned to any individual class exceed ~~exceeds~~ the~~
685 ~~class size maximum, as required in subsection (1) ~~(2)~~, at the~~
686 ~~time of the third FEFP calculation, except in 2010-2011 at the~~
687 ~~time of the fourth calculation, the department shall:~~

688 1. Identify, for each grade group, the number of classes in
689 ~~which the enrollment exceeds the maximum, the number of students~~
690 ~~exceed ~~which exceeds~~ the maximum for each class, and the total~~
691 ~~number of students that exceed ~~which exceeds~~ the maximum for all~~
692 ~~classes.~~

693 2. Determine the number of full-time equivalent students
694 ~~that exceed ~~which exceeds~~ the maximum class size for each grade~~



700952

602-02837D-10

695 group.

696 3. Multiply the total number of FTE students that exceed
697 ~~which exceeds~~ the maximum ~~class size~~ for each grade group by the
698 district's FTE dollar amount of the class-size-reduction
699 allocation for that year and calculate the total for all three
700 grade groups.

701 4. Multiply the total number of FTE students that exceed
702 the maximum for all classes by the amount of the base student
703 allocation adjusted by the district's district cost
704 differential.

705 ~~5.4.~~ Reduce the district's class-size-reduction operating
706 categorical allocation by an amount equal to the sum of the
707 calculations calculation in subparagraphs subparagraph 3. and 4.
708 The commissioner is authorized to withhold the distribution of
709 class size allocation reduction funds to the extent necessary to
710 comply with this section.

711 ~~(b)-(e)~~ Upon verification of the department's calculation by
712 the Florida Education Finance Program Appropriation Allocation
713 Conference and no later than March 1 of each year, the Executive
714 Office of the Governor shall place these funds in reserve, and
715 the undistributed funds shall revert to the General Revenue Fund
716 unallocated at the end of the fiscal year. The amount of funds
717 reduced shall be the lesser of the amount verified by the
718 Florida Education Finance Program Appropriation Allocation
719 Conference or the undistributed balance of the district's class-
720 size-reduction operating categorical allocation.

721 ~~(c)-(d)~~ In lieu of the reduction calculation in paragraph
722 (a) (b), if the Commissioner of Education has evidence that a
723 district was unable to meet the class size requirements despite



700952

602-02837D-10

724 appropriate efforts to do so or because of an extreme emergency,
725 he or she may recommend a budget amendment, subject to approval
726 of the Legislative Budget Commission, to reduce an alternative
727 amount of funds from the district's class-size-reduction
728 operating categorical allocation. The commissioner's budget
729 amendment must be submitted to the Legislative Budget Commission
730 by February 15 of each year.

731 (d) The March 1 and February 15 dates in paragraphs (b) and
732 (c) do not apply for the 2010-2011 fiscal year.

733 ~~(e) In addition to the calculation required in paragraph~~
734 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
735 ~~fiscal year, the department shall also prepare a simulated~~
736 ~~calculation based on the requirements in paragraphs (b) and (c).~~
737 ~~This simulated calculation shall be provided to the school~~
738 ~~districts and the Legislature.~~

739 Section 15. Effective upon approval by the electors of
740 Senate Joint Resolution 2 or House Joint Resolution 7039 in the
741 2010 General Election and retroactive to the beginning of the
742 2010-2011 school year, section 1003.03, Florida Statutes, is
743 amended to read:

744 1003.03 Maximum class size.—

745 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1,
746 Art. IX of the State Constitution, beginning in the 2010-2011
747 school year:

748 (a) The average number of students at the school level
749 assigned to each teacher who is teaching core-curricula courses
750 in public school classrooms for prekindergarten through grade 3
751 may not exceed 18 students and the maximum number of students
752 assigned to a teacher in an individual class may not exceed 21



700952

602-02837D-10

753 students.

754 (b) The average number of students at the school level
755 assigned to each teacher who is teaching core-curricula courses
756 in public school classrooms for grades 4 through 8 may not
757 exceed 22 students and the maximum number of students assigned
758 to a teacher in an individual class may not exceed 27 students.

759 (c) The average number of students at the school level
760 assigned to each teacher who is teaching core-curricula courses
761 in public school classrooms for grades 9 through 12 may not
762 exceed 25 students and the maximum number of students assigned
763 to a teacher in an individual class may not exceed 30 students.

764 ~~(a) The maximum number of students assigned to each teacher~~
765 ~~who is teaching core-curricula courses in public school~~
766 ~~classrooms for prekindergarten through grade 3 may not exceed 18~~
767 ~~students.~~

768 ~~(b) The maximum number of students assigned to each teacher~~
769 ~~who is teaching core-curricula courses in public school~~
770 ~~classrooms for grades 4 through 8 may not exceed 22 students.~~

771 ~~(c) The maximum number of students assigned to each teacher~~
772 ~~who is teaching core-curricula courses in public school~~
773 ~~classrooms for grades 9 through 12 may not exceed 25 students.~~

774 (2) IMPLEMENTATION.—The Department of Education shall
775 annually calculate class size as defined in subsection (1) based
776 upon the October student membership survey, except that the
777 calculation for the 2010-2011 school year shall be based on the
778 February student membership survey. The calculation for
779 compliance for each of the three grade groupings shall be the
780 number of students assigned to each teacher in an individual
781 class and the average number of students at the school level



700952

602-02837D-10

782 assigned to each teacher. Each teacher assigned to any classroom
783 shall be included in the calculation for compliance.

784 ~~(a) Beginning with the 2003-2004 fiscal year, each school~~
785 ~~district that is not in compliance with the maximums in~~
786 ~~subsection (1) shall reduce the average number of students per~~
787 ~~classroom in each of the following grade groupings:~~
788 ~~prekindergarten through grade 3, grade 4 through grade 8, and~~
789 ~~grade 9 through grade 12, by at least two students each year.~~

790 ~~(b) Determination of the number of students per classroom~~
791 ~~in paragraph (a) shall be calculated as follows:~~

792 ~~1. For fiscal years 2003-2004 through 2005-2006, the~~
793 ~~calculation for compliance for each of the 3 grade groupings~~
794 ~~shall be the average at the district level.~~

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

798 ~~3. For fiscal year 2010-2011 and thereafter, the~~
799 ~~calculation for compliance shall be at the individual classroom~~
800 ~~level.~~

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

804 ~~(c) The Department of Education shall annually calculate~~
805 ~~each of the three average class size measures defined in~~
806 ~~paragraphs (a) and (b) based upon the October student membership~~
807 ~~survey. For purposes of determining the baseline from which each~~
808 ~~district's average class size must be reduced for the 2003-2004~~
809 ~~school year, the department shall use data from the February~~
810 ~~2003 student membership survey updated to include classroom~~



700952

602-02837D-10

811 ~~identification numbers as required by the department.~~

812 ~~(d) Prior to the adoption of the district school budget for~~
813 ~~2004-2005, each district school board shall hold public hearings~~
814 ~~to review school attendance zones in order to ensure maximum use~~
815 ~~of facilities while minimizing the additional use of~~
816 ~~transportation in order to comply with the two-student-per-year~~
817 ~~reduction required in paragraph (a). School districts that meet~~
818 ~~the constitutional class size maximums described in subsection~~
819 ~~(1) are exempt from this requirement.~~

820 (3) IMPLEMENTATION OPTIONS.—District school boards must
821 consider, but are not limited to, implementing the following
822 items in order to meet the constitutional class size maximums
823 described in subsection (1) ~~and the two-student-per-year~~
824 ~~reduction required in subsection (2):~~

825 (a) Adopt policies to encourage qualified students to take
826 dual enrollment courses.

827 (b) Adopt policies to encourage students to take courses
828 from the Florida Virtual School and school district virtual
829 instruction programs.

830 (c)1. Repeal district school board policies that require
831 students to have more than 24 credits to graduate from high
832 school.

833 2. Adopt policies to allow students to graduate from high
834 school as soon as they pass the grade 10 FCAT and complete the
835 courses required for high school graduation.

836 (d) Use methods to maximize use of instructional staff,
837 such as changing required teaching loads and scheduling of
838 planning periods, deploying district employees that have
839 professional certification to the classroom, using adjunct



700952

602-02837D-10

840 educators, or any other method not prohibited by law.

841 (e) Use innovative methods to reduce the cost of school
842 construction by using prototype school designs, using SMART
843 Schools designs, participating in the School Infrastructure
844 Thrift Program, or any other method not prohibited by law.

845 (f) Use joint-use facilities through partnerships with
846 community colleges, state universities, and private colleges and
847 universities. Joint-use facilities available for use as K-12
848 classrooms that do not meet the K-12 State Regulations for
849 Educational Facilities in the Florida Building Code may be used
850 at the discretion of the district school board provided that
851 such facilities meet all other health, life, safety, and fire
852 codes.

853 (g) Adopt alternative methods of class scheduling, such as
854 block scheduling.

855 (h) Redraw school attendance zones to maximize use of
856 facilities while minimizing the additional use of
857 transportation.

858 (i) Operate schools beyond the normal operating hours to
859 provide classes in the evening or operate more than one session
860 of school during the day.

861 (j) Use year-round schools and other nontraditional
862 calendars that do not adversely impact annual assessment of
863 student achievement.

864 (k) Review and consider amending any collective bargaining
865 contracts that hinder the implementation of class size
866 reduction.

867 (l) Use any other approach not prohibited by law.

868 (4) ACCOUNTABILITY.—



700952

602-02837D-10

869 (a) If the department determines that the number of
870 students assigned to any individual class exceeds the classroom
871 maximum, or if the department determines that the school average
872 is greater than the school level maximum, the department shall
873 identify for each of three grade groups:

874 1. The number of FTE students in an individual classroom
875 that are greater than the classroom maximum and the number of
876 FTE students that are greater than the school level average, not
877 including the number of FTE that are greater than the classroom
878 maximum.

879 2. Multiply the total number of FTE students as calculated
880 in subparagraph 1. which exceed the maximum class size for each
881 grade group by the district's FTE dollar amount of the class-
882 size-reduction allocation for that year and calculate the total
883 dollar amount for all three grade groups.

884 3. Multiply the total number of FTE students as calculated
885 in subparagraph 1. which exceed the maximum by the amount of the
886 base student allocation adjusted by the district cost
887 differential.

888 4. Reduce the district's class-size-reduction operating
889 categorical allocation by an amount equal to the sum of the
890 calculations in subparagraphs 2. and 3. The commissioner is
891 authorized to withhold the distribution of class size reduction
892 allocation funds to the extent necessary to comply with this
893 section.

894 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
895 ~~department determines for any year that a school district has~~
896 ~~not reduced average class size as required in subsection (2) at~~
897 ~~the time of the third FEFP calculation, the department shall~~



700952

602-02837D-10

898 ~~calculate an amount from the class size reduction operating~~
899 ~~categories which is proportionate to the amount of class size~~
900 ~~reduction not accomplished. Upon verification of the~~
901 ~~department's calculation by the Florida Education Finance~~
902 ~~Program Appropriation Allocation Conference and not later than~~
903 ~~March 1 of each year, the Executive Office of the Governor shall~~
904 ~~transfer undistributed funds equivalent to the calculated amount~~
905 ~~from the district's class size reduction operating categories~~
906 ~~to an approved fixed capital outlay appropriation for class size~~
907 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
908 ~~The amount of funds transferred shall be the lesser of the~~
909 ~~amount verified by the Florida Education Finance Program~~
910 ~~Appropriation Allocation Conference or the undistributed balance~~
911 ~~of the district's class size reduction operating categories.~~

912 ~~2. In lieu of the transfer required by subparagraph 1., the~~
913 ~~Commissioner of Education may recommend a budget amendment,~~
914 ~~subject to approval by the Legislative Budget Commission, to~~
915 ~~transfer an alternative amount of funds from the district's~~
916 ~~class size reduction operating categories to its approved fixed~~
917 ~~capital outlay account for class size reduction if the~~
918 ~~commissioner finds that the State Board of Education has~~
919 ~~reviewed evidence indicating that a district has been unable to~~
920 ~~meet class size reduction requirements despite appropriate~~
921 ~~effort to do so. The commissioner's budget amendment must be~~
922 ~~submitted to the Legislative Budget Commission by February 15 of~~
923 ~~each year.~~

924 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
925 ~~fiscal year funds from a district's class size operating~~
926 ~~categories are required to be transferred to its fixed capital~~



700952

602-02837D-10

927 ~~outlay fund and the district's class size operating categorical~~
928 ~~allocation in the General Appropriations Act for that fiscal~~
929 ~~year has been reduced by a subsequent appropriation, the~~
930 ~~Commissioner of Education may recommend a 50 percent reduction~~
931 ~~in the amount of the transfer.~~

932 (b) ~~(e)~~ Upon verification of the department's calculation by
933 the Florida Education Finance Program Appropriation Allocation
934 Conference and no later than March 1 of each year, the Executive
935 Office of the Governor shall place these funds in reserve, and
936 the undistributed funds shall revert to the General Revenue Fund
937 unallocated at the end of the fiscal year. The amount of funds
938 reduced shall be the lesser of the amount verified by the
939 Florida Education Finance Program Appropriation Allocation
940 Conference or the undistributed balance of the district's class-
941 size-reduction operating categorical allocation.

942 (c) ~~(d)~~ In lieu of the reduction calculation in paragraph
943 (a) ~~(b)~~, if the Commissioner of Education has evidence that a
944 district has been unable to meet the class size requirements
945 despite appropriate efforts to do so or because of an extreme
946 emergency, he or she may recommend a budget amendment, subject
947 to approval of the Legislative Budget Commission, to reduce an
948 alternative amount of funds from the district's class-size-
949 reduction operating categorical allocation. The commissioner's
950 budget amendment must be submitted to the Legislative Budget
951 Commission by February 15 of each year.

952 (d) The March 1 and February 15 dates in paragraphs (b) and
953 (c) do not apply for the 2010-2011 fiscal year.

954 ~~(e)~~ In addition to the calculation required in paragraph
955 (a), ~~at the time of the third FEFP calculation for the 2009-2010~~



700952

602-02837D-10

956 ~~fiscal year, the department shall also prepare a simulated~~
957 ~~calculation based on the requirements in paragraphs (b) and (c).~~
958 ~~This simulated calculation shall be provided to the school~~
959 ~~districts and the Legislature.~~

960 (5) TEAM-TEACHING STRATEGIES.—

961 (a) School districts may use teaching strategies that
962 include the assignment of more than one teacher to a classroom
963 of students and that were implemented before July 1, 2005.

964 Effective July 1, 2005, school districts may implement
965 additional teaching strategies that include the assignment of
966 more than one teacher to a classroom of students for the
967 following purposes only:

968 1. Pairing teachers for the purpose of staff development.

969 2. Pairing new teachers with veteran teachers.

970 3. Reducing turnover among new teachers.

971 4. Pairing teachers who are teaching out-of-field with
972 teachers who are in-field.

973 5. Providing for more flexibility and innovation in the
974 classroom.

975 6. Improving learning opportunities for students, including
976 students who have disabilities.

977 (b) Teaching strategies, including team teaching, co-
978 teaching, or inclusion teaching, implemented on or after July 1,
979 2005, pursuant to paragraph (a) may be implemented subject to
980 the following restrictions:

981 1. Reasonable limits shall be placed on the number of
982 students in a classroom so that classrooms are not overcrowded.

983 Teacher-to-student ratios within a curriculum area or grade
984 level must not exceed constitutional limits.



700952

602-02837D-10

985 2. At least one member of the team must have at least 3
986 years of teaching experience.

987 3. At least one member of the team must be teaching in-
988 field.

989 4. The teachers must be trained in team-teaching methods
990 within 1 year after assignment.

991 (c) As used in this subsection, the term:

992 1. "Team teaching" or "co-teaching" means two or more
993 teachers are assigned to a group of students and each teacher is
994 responsible for all of the students during the entire class
995 period. In order to be considered team teaching or co-teaching,
996 each teacher is responsible for planning, delivering, and
997 evaluating instruction for all students in the class or subject
998 for the entire class period.

999 2. "Inclusion teaching" means two or more teachers are
1000 assigned to a group of students, but one of the teachers is
1001 responsible for only one student or a small group of students in
1002 the classroom.

1003
1004 The use of strategies implemented as outlined in this subsection
1005 meets the letter and intent of the Florida Constitution and the
1006 Florida Statutes which relate to implementing class size
1007 reduction, and this subsection applies retroactively. A school
1008 district may not be penalized financially or otherwise as a
1009 result of the use of any legal strategy, including, but not
1010 limited to, those set forth in subsection (3) and this
1011 subsection.

1012 Section 16. Subsection (2) of section 1003.492, Florida
1013 Statutes, is amended to read:



700952

602-02837D-10

1014 1003.492 Industry-certified career education programs.—
1015 (2) The State Board of Education shall use the expertise of
1016 Workforce Florida, Inc., and Enterprise Florida, Inc., to
1017 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
1018 for implementing an industry certification process. Industry
1019 certification shall be defined by the Agency for Workforce
1020 Innovation, based upon the highest available national standards
1021 for specific industry certification, to ensure student skill
1022 proficiency and to address emerging labor market and industry
1023 trends. A regional workforce board or a career and professional
1024 academy may apply to Workforce Florida, Inc., to request
1025 additions to the approved list of industry certifications based
1026 on high-demand job requirements in the regional economy. The
1027 list of industry certifications approved by Workforce Florida,
1028 Inc., and the Department of Education shall be published and
1029 updated annually by a date certain, to be included in the
1030 adopted rule.

1031 Section 17. Subsection (1) of section 1006.28, Florida
1032 Statutes, is amended to read:

1033 1006.28 Duties of district school board, district school
1034 superintendent; and school principal regarding K-12
1035 instructional materials.—

1036 (1) DISTRICT SCHOOL BOARD.—The district school board has
1037 the duty to provide adequate instructional materials for all
1038 students in accordance with the requirements of this part. The
1039 term "adequate instructional materials" means a sufficient
1040 number of textbooks or sets of materials that are available in
1041 bound, unbound, kit, or package form and may consist of hard-
1042 backed, ~~or~~ soft-backed, or electronic textbooks, consumables,



700952

602-02837D-10

1043 learning laboratories, manipulatives, electronic media, and
1044 computer courseware or software that serve as the basis for
1045 instruction for each student in the core courses of mathematics,
1046 language arts, social studies, science, reading, and literature,
1047 except for instruction for which the school advisory council
1048 approves the use of a program that does not include a textbook
1049 as a major tool of instruction. The district school board has
1050 the following specific duties:

1051 (a) *Courses of study; adoption.*—Adopt courses of study for
1052 use in the schools of the district.

1053 (b) *Textbooks.*—Provide for proper requisitioning,
1054 distribution, accounting, storage, care, and use of all
1055 instructional materials furnished by the state and furnish such
1056 other instructional materials as may be needed. The district
1057 school board shall assure that instructional materials used in
1058 the district are consistent with the district goals and
1059 objectives and the curriculum frameworks adopted by rule of the
1060 State Board of Education, as well as with the state and district
1061 performance standards provided for in s. 1001.03(1).

1062 (c) *Other instructional materials.*—Provide such other
1063 teaching accessories and aids as are needed for the school
1064 district's educational program.

1065 (d) *School library media services; establishment and*
1066 *maintenance.*—Establish and maintain a program of school library
1067 media services for all public schools in the district, including
1068 school library media centers, or school library media centers
1069 open to the public, and, in addition such traveling or
1070 circulating libraries as may be needed for the proper operation
1071 of the district school system.



700952

602-02837D-10

1072 Section 18. Section 1006.281, Florida Statutes, is created
1073 to read:

1074 1006.281 Learning management systems.—

1075 (1) To ensure that all school districts have equitable
1076 access to digitally rich instructional materials, districts are
1077 encouraged to provide access to an electronic learning
1078 management system that allows teachers, students, and parents to
1079 access, organize, and use electronically available instructional
1080 materials and teaching and learning tools and resources, and
1081 that enables teachers to manage, assess, and track student
1082 learning.

1083 (2) To the extent fiscally and technologically feasible, a
1084 school district's electronic learning management system should
1085 allow for a single, authenticated sign-on and include the
1086 following functionality:

1087 (a) Vertically searches for, gathers, and organizes
1088 specific standards-based instructional materials.

1089 (b) Enables teachers to prepare lessons, individualize
1090 student instruction, and use best practices in providing
1091 instruction.

1092 (c) Provides communication, including access to up-to-date
1093 student performance data, in order to help teachers and parents
1094 better serve the needs of students.

1095 (d) Provides access for administrators to ensure quality of
1096 instruction within every classroom.

1097 (3) The Department of Education shall provide assistance as
1098 requested by school districts in their deployment of a district
1099 electronic learning management system.

1100 Section 19. Subsection (4) of section 1006.29, Florida



700952

602-02837D-10

1101 Statutes, is amended to read:

1102 1006.29 State instructional materials committees.—

1103 (4) For purposes of state adoption, “instructional
1104 materials” means items having intellectual content that by
1105 design serve as a major tool for assisting in the instruction of
1106 a subject or course. These items may be available in bound,
1107 unbound, kit, or package form and may consist of hardbacked, ~~or~~
1108 softbacked, or electronic textbooks, consumables, learning
1109 laboratories, manipulatives, electronic media, and computer
1110 courseware or software. The term does not include electronic or
1111 computer hardware even if such hardware is bundled with software
1112 or other electronic media, nor does it include equipment or
1113 supplies. A publisher or manufacturer providing instructional
1114 materials as a single bundle shall also make the instructional
1115 materials available as separate and unbundled items, each priced
1116 individually. Any instructional materials adopted after 2012-
1117 2013 for students in grades 9 through 12 shall be provided
1118 primarily in an electronic format.

1119 Section 20. Paragraph (b) of subsection (1) of section
1120 1006.33, Florida Statutes, is amended to read:

1121 1006.33 Bids or proposals; advertisement and its contents.—

1122 (1)

1123 (b) The advertisement shall state that, beginning in 2010-
1124 2011, each bidder shall furnish electronic specimen copies of
1125 all instructional materials submitted, at a time designated by
1126 the department, which specimen copies shall be identical with
1127 the copies approved and accepted by the members of the state
1128 instructional materials committee, as prescribed in this
1129 section, and with the copies furnished to the department and



700952

602-02837D-10

1130 district school superintendents, as provided in this part. Any
1131 district school superintendent who requires samples in addition
1132 to the electronic format must request those samples through the
1133 department.

1134 Section 21. Paragraph (a) of subsection (3) and subsection
1135 (4) of section 1006.40, Florida Statutes, are amended to read:

1136 1006.40 Use of instructional materials allocation;
1137 instructional materials, library books, and reference books;
1138 repair of books.—

1139 (3) (a) Each district school board shall use the annual
1140 allocation for the purchase of instructional materials included
1141 on the state-adopted list, except as otherwise authorized in
1142 paragraphs (b) and (c). No less than 50 percent of the annual
1143 allocation shall be used to purchase items which will be used to
1144 provide instruction to students at the level or levels for which
1145 the materials are designed. Beginning with the 2012-2013 fiscal
1146 year, not less than 10 percent of the annual allocation shall be
1147 used to purchase items for which the major tool of instruction
1148 is used electronically.

1149 (4) The funds described in subsection (3) which district
1150 school boards may use to purchase materials not on the state-
1151 adopted list shall be used for the purchase of instructional
1152 materials or other items having intellectual content which
1153 assist in the instruction of a subject or course. These items
1154 may be available in bound, unbound, kit, or package form and may
1155 consist of hardbacked, ~~or~~ softbacked, or electronic textbooks,
1156 replacements for items which were part of previously purchased
1157 instructional materials, consumables, learning laboratories,
1158 manipulatives, electronic media, computer courseware or



700952

602-02837D-10

1159 software, and other commonly accepted instructional tools as
1160 prescribed by district school board rule. The funds available to
1161 district school boards for the purchase of materials not on the
1162 state-adopted list may not be used to purchase ~~electronic or~~
1163 ~~computer~~ hardware even if such hardware is bundled with software
1164 or other electronic media, nor may such funds be used to
1165 purchase equipment or supplies. However, when authorized to do
1166 so in the General Appropriations Act, a school or district
1167 school board may use a portion of the funds available to it for
1168 the purchase of materials not on the state-adopted list to
1169 purchase science laboratory materials and supplies.

1170 Section 22. Subsection (1) of section 1007.27, Florida
1171 Statutes, is amended to read:

1172 1007.27 Articulated acceleration mechanisms.—

1173 (1) It is the intent of the Legislature that a variety of
1174 articulated acceleration mechanisms be available for secondary
1175 and postsecondary students attending public educational
1176 institutions. It is intended that articulated acceleration serve
1177 to shorten the time necessary for a student to complete the
1178 requirements associated with the conference of a high school
1179 diploma and a postsecondary degree, broaden the scope of
1180 curricular options available to students, or increase the depth
1181 of study available for a particular subject. Articulated
1182 acceleration mechanisms shall include, but not be limited to,
1183 dual enrollment as provided for in s. 1007.271, early admission,
1184 advanced placement, credit by examination, the International
1185 Baccalaureate Program, and the Advanced International
1186 Certificate of Education Program. Credit earned through the
1187 Florida Virtual School shall provide additional opportunities



700952

602-02837D-10

1188 for early graduation and acceleration. Students of Florida
1189 public secondary schools enrolled pursuant to this subsection
1190 shall be deemed authorized users of the state-funded electronic
1191 library resources that are licensed for public colleges and
1192 universities by the Florida Center for Library Automation and
1193 the College Center for Library Automation. Verification of
1194 eligibility shall be in accordance with rules established by the
1195 State Board of Education and the Board of Governors and
1196 processes implemented by public colleges and universities.

1197 Section 23. Paragraph (c) of subsection (3) of section
1198 1008.34, Florida Statutes, is amended to read:

1199 1008.34 School grading system; school report cards;
1200 district grade.—

1201 (3) DESIGNATION OF SCHOOL GRADES.—

1202 (c) Student assessment data used in determining school
1203 grades shall include:

1204 1. The aggregate scores of all eligible students enrolled
1205 in the school who have been assessed on the FCAT.

1206 2. The aggregate scores of all eligible students enrolled
1207 in the school who have been assessed on the FCAT and who have
1208 scored at or in the lowest 25th percentile of students in the
1209 school in reading, mathematics, or writing, unless these
1210 students are exhibiting satisfactory performance.

1211 3. Effective with the 2005-2006 school year, the
1212 achievement scores and learning gains of eligible students
1213 attending alternative schools that provide dropout prevention
1214 and academic intervention services pursuant to s. 1003.53. The
1215 term "eligible students" in this subparagraph does not include
1216 students attending an alternative school who are subject to



700952

602-02837D-10

1217 district school board policies for expulsion for repeated or
1218 serious offenses, who are in dropout retrieval programs serving
1219 students who have officially been designated as dropouts, or who
1220 are in programs operated or contracted by the Department of
1221 Juvenile Justice. The student performance data for eligible
1222 students identified in this subparagraph shall be included in
1223 the calculation of the home school's grade. As used in this
1224 section and s. 1008.341, the term "home school" means the school
1225 to which the student would be assigned if the student were not
1226 assigned to an alternative school. If an alternative school
1227 chooses to be graded under this section, student performance
1228 data for eligible students identified in this subparagraph shall
1229 not be included in the home school's grade but shall be included
1230 only in the calculation of the alternative school's grade. A
1231 school district that fails to assign the FCAT scores of each of
1232 its students to his or her home school or to the alternative
1233 school that receives a grade shall forfeit Florida School
1234 Recognition Program funds for 1 fiscal year. School districts
1235 must require collaboration between the home school and the
1236 alternative school in order to promote student success. This
1237 collaboration must include an annual discussion between the
1238 principal of the alternative school and the principal of each
1239 student's home school concerning the most appropriate school
1240 assignment of the student.

1241 4. Beginning with the 2009-2010 school year for schools
1242 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1243 11, and 12, the data listed in subparagraphs 1.-3. and the
1244 following data as the Department of Education determines such
1245 data are valid and available:



700952

602-02837D-10

- 1246 a. The high school graduation rate of the school as
1247 calculated by the Department of Education;
- 1248 b. The successful completion ~~participation~~ rate of all
1249 eligible students enrolled in the school and enrolled in College
1250 Board Advanced Placement courses; International Baccalaureate
1251 courses; dual enrollment courses; Advanced International
1252 Certificate of Education courses; and courses or sequence of
1253 courses leading to industry certification, as determined by the
1254 Agency for Workforce Innovation under s. 1003.492(2) in a career
1255 and professional academy, as described in s. 1003.493;
- 1256 c. The aggregate scores of all eligible students enrolled
1257 in the school in College Board Advanced Placement courses,
1258 International Baccalaureate courses, and Advanced International
1259 Certificate of Education courses;
- 1260 d. Earning of college credit by all eligible students
1261 enrolled in the school in dual enrollment programs under s.
1262 1007.271;
- 1263 e. Earning of an industry certification, as determined by
1264 the Agency for Workforce Innovation under s. 1003.492(2) in a
1265 career and professional academy, as described in s. 1003.493;
- 1266 f. The aggregate scores of all eligible students enrolled
1267 in the school in reading, mathematics, and other subjects as
1268 measured by the SAT, the ACT, and the common placement test for
1269 postsecondary readiness;
- 1270 g. The high school graduation rate of all eligible at-risk
1271 students enrolled in the school who scored at Level 2 or lower
1272 on the grade 8 FCAT Reading and Mathematics examinations;
- 1273 h. The performance of the school's students on statewide
1274 standardized end-of-course assessments administered under s.



700952

602-02837D-10

1275 1008.22; and

1276 i. The growth or decline in the data components listed in
1277 sub-subparagraphs a.-h. from year to year.

1278
1279 The State Board of Education shall adopt appropriate criteria
1280 for each school grade. The criteria must also give added weight
1281 to student achievement in reading. Schools designated with a
1282 grade of "C," making satisfactory progress, shall be required to
1283 demonstrate that adequate progress has been made by students in
1284 the school who are in the lowest 25th percentile in reading,
1285 mathematics, or writing on the FCAT, unless these students are
1286 exhibiting satisfactory performance. Beginning with the 2009-
1287 2010 school year for schools comprised of high school grades 9,
1288 10, 11, and 12, or grades 10, 11, and 12, the criteria for
1289 school grades must also give added weight to the graduation rate
1290 of all eligible at-risk students, as defined in this paragraph.
1291 Beginning in the 2009-2010 school year, in order for a high
1292 school to be designated as having a grade of "A," making
1293 excellent progress, the school must demonstrate that at-risk
1294 students, as defined in this paragraph, in the school are making
1295 adequate progress.

1296 Section 24. Section 1011.03, Florida Statutes, is amended
1297 to read:

1298 1011.03 Public hearings; budget to be submitted to
1299 Department of Education.—

1300 (1) Each district school board must cause a summary of its
1301 tentative budget, including the proposed millage levies as
1302 provided for by law, ~~and graphs illustrating a historical~~
1303 ~~summary of financial and demographic data,~~ to be posted online



700952

602-02837D-10

1304 ~~and advertised at least one time as a full-page advertisement in~~
1305 ~~a the newspaper of general with the largest~~ circulation
1306 published in the district or to be posted at the courthouse ~~door~~
1307 if there be no such newspaper.

1308 ~~(2) (a) The advertisement must include a graph illustrating~~
1309 ~~the historical summary of financial and demographic data for~~
1310 ~~each of the following data values which shall be plotted along~~
1311 ~~the vertical axis of each graph:~~

1312 ~~1. Total revenue provided to the school district from all~~
1313 ~~sources for the corresponding fiscal year, including all~~
1314 ~~federal, state, and local revenue.~~

1315 ~~2. Total revenue provided to the school district for the~~
1316 ~~corresponding fiscal year for current operations.~~

1317 ~~3. Total revenue provided to the school district for the~~
1318 ~~corresponding fiscal year for fixed capital outlay projects.~~

1319 ~~4. Total revenue provided to the school district for the~~
1320 ~~corresponding fiscal year for debt service.~~

1321 ~~5. Total number of unweighted full-time equivalent~~
1322 ~~students, inclusive of all programs listed in s. 1011.62.~~

1323 ~~6. Total revenue provided to the school district for~~
1324 ~~current operations divided by the number of unweighted full-time~~
1325 ~~equivalent students for the corresponding fiscal year.~~

1326 ~~7. Total number of employees of the school district for the~~
1327 ~~corresponding fiscal year.~~

1328 ~~8. Total number of employees of the school district~~
1329 ~~classified as instructional personnel under s. 1012.01 for the~~
1330 ~~corresponding fiscal year.~~

1331 ~~(b) Each graph must include a separate histogram~~
1332 ~~corresponding to the financial and demographic data for each of~~



700952

602-02837D-10

1333 ~~the following fiscal years, which shall be plotted along the~~
1334 ~~horizontal axis of each graph:~~

1335 ~~1. Current fiscal year.~~

1336 ~~2. Fiscal year that is 5 years before the current fiscal~~
1337 ~~year.~~

1338 ~~3. Fiscal year that is 10 years before the current fiscal~~
1339 ~~year.~~

1340 ~~(c) The numeric value of the financial and demographic data~~
1341 ~~corresponding to each histogram must be included in each graph.~~

1342 ~~(2)(3)~~ The advertisement of a district that has been
1343 required by the Legislature to increase classroom expenditures
1344 pursuant to s. 1011.64 must include the following statement:

1345
1346 "This proposed budget reflects an increase in classroom
1347 expenditures as a percent of total current operating
1348 expenditures of XX percent over the (previous fiscal year)
1349 fiscal year. This increase in classroom expenditures is required
1350 by the Legislature because the district has performed below the
1351 required performance standard on XX of XX student performance
1352 standards for the (previous school year) school year. In order
1353 to achieve the legislatively required level of classroom
1354 expenditures as a percentage of total operating expenditures,
1355 the proposed budget includes an increase in overall classroom
1356 expenditures of \$XX,XXX,XXX above the amount spent for this same
1357 purpose during the (previous fiscal year) fiscal year. In order
1358 to achieve improved student academic performance, this proposed
1359 increase is being budgeted for the following activities:

1360 ... (list activities and amount budgeted) ..."

1361 ~~(3)(4)~~ The advertisement shall appear adjacent to the



700952

602-02837D-10

1362 advertisement required pursuant to s. 200.065. The State Board
1363 of Education may adopt rules necessary to provide specific
1364 requirements for the format of the advertisement.

1365 (4)~~(5)~~ The board shall hold public hearings to adopt
1366 tentative and final budgets pursuant to s. 200.065. The hearings
1367 shall be primarily for the purpose of hearing requests and
1368 complaints from the public regarding the budgets and the
1369 proposed tax levies and for explaining the budget and proposed
1370 or adopted amendments thereto, if any. The district school board
1371 shall then require the superintendent to transmit forthwith two
1372 copies of the adopted budget to the Department of Education for
1373 approval as prescribed by law and rules of the State Board of
1374 Education.

1375 Section 25. Subsection (2) of section 1011.60, Florida
1376 Statutes, is amended to read:

1377 1011.60 Minimum requirements of the Florida Education
1378 Finance Program.—Each district which participates in the state
1379 appropriations for the Florida Education Finance Program shall
1380 provide evidence of its effort to maintain an adequate school
1381 program throughout the district and shall meet at least the
1382 following requirements:

1383 (2) MINIMUM TERM.—Operate all schools for a term of 180
1384 actual teaching days or the equivalent on an hourly basis ~~as~~
1385 ~~specified by rules of the State Board of Education~~ each school
1386 year. The State Board of Education may prescribe procedures for
1387 altering, and, upon written application, may alter, this
1388 requirement during a national, state, or local emergency as it
1389 may apply to an individual school or schools in any district or
1390 districts if, in the opinion of the board, it is not feasible to



700952

602-02837D-10

1391 make up lost days or hours, and the apportionment may, at the
1392 discretion of the Commissioner of Education and if the board
1393 determines that the reduction of school days or hours is caused
1394 by the existence of a bona fide emergency, be reduced for such
1395 district or districts in proportion to the decrease in the
1396 length of term in any such school or schools. A strike, as
1397 defined in s. 447.203(6), by employees of the school district
1398 may not be considered an emergency.

1399 Section 26. Paragraphs (m), (n), (o), (p), and (q) of
1400 subsection (1), paragraph (b) of subsection (6), paragraph (d)
1401 of subsection (7), and paragraph (a) of subsection (12) of
1402 section 1011.62, Florida Statutes, are amended to read:

1403 1011.62 Funds for operation of schools.—If the annual
1404 allocation from the Florida Education Finance Program to each
1405 district for operation of schools is not determined in the
1406 annual appropriations act or the substantive bill implementing
1407 the annual appropriations act, it shall be determined as
1408 follows:

1409 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1410 OPERATION.—The following procedure shall be followed in
1411 determining the annual allocation to each district for
1412 operation:

1413 (m) *Calculation of additional full-time equivalent*
1414 *membership based on international baccalaureate examination*
1415 *scores of students.*—A value of 0.1 ~~0.16~~ full-time equivalent
1416 student membership shall be calculated for each student enrolled
1417 in an international baccalaureate course who receives a score of
1418 4 or higher on a subject examination. A value of 0.3 full-time
1419 equivalent student membership shall be calculated for each



700952

602-02837D-10

1420 student who receives an international baccalaureate diploma.
1421 Such value shall be added to the total full-time equivalent
1422 student membership in basic programs for grades 9 through 12 in
1423 the subsequent fiscal year. The school district shall distribute
1424 to each classroom teacher who provided international
1425 baccalaureate instruction:

1426 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught
1427 by the International Baccalaureate teacher in each international
1428 baccalaureate course who receives a score of 4 or higher on the
1429 international baccalaureate examination.

1430 2. An additional bonus of \$250 ~~\$500~~ to each International
1431 Baccalaureate teacher in a school designated with a grade of "D"
1432 or "F" who has at least one student scoring 4 or higher on the
1433 international baccalaureate examination, regardless of the
1434 number of classes taught or of the number of students scoring a
1435 4 or higher on the international baccalaureate examination.

1436
1437 Bonuses awarded to a teacher according to this paragraph shall
1438 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be
1439 in addition to any regular wage or other bonus the teacher
1440 received or is scheduled to receive.

1441 (n) *Calculation of additional full-time equivalent*
1442 *membership based on Advanced International Certificate of*
1443 *Education examination scores of students.*—A value of 0.1 ~~0.16~~
1444 full-time equivalent student membership shall be calculated for
1445 each student enrolled in a full-credit Advanced International
1446 Certificate of Education course who receives a score of E or
1447 higher on a subject examination. A value of 0.05 ~~0.08~~ full-time
1448 equivalent student membership shall be calculated for each



700952

602-02837D-10

1449 student enrolled in a half-credit Advanced International
1450 Certificate of Education course who receives a score of E or
1451 higher on a subject examination. A value of 0.3 full-time
1452 equivalent student membership shall be calculated for each
1453 student who receives an Advanced International Certificate of
1454 Education diploma. Such value shall be added to the total full-
1455 time equivalent student membership in basic programs for grades
1456 9 through 12 in the subsequent fiscal year. The school district
1457 shall distribute to each classroom teacher who provided Advanced
1458 International Certificate of Education instruction:

1459 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught
1460 by the Advanced International Certificate of Education teacher
1461 in each full-credit Advanced International Certificate of
1462 Education course who receives a score of E or higher on the
1463 Advanced International Certificate of Education examination. A
1464 bonus in the amount of \$12.50 ~~\$25~~ for each student taught by the
1465 Advanced International Certificate of Education teacher in each
1466 half-credit Advanced International Certificate of Education
1467 course who receives a score of E or higher on the Advanced
1468 International Certificate of Education examination.

1469 2. An additional bonus of \$250 ~~\$500~~ to each Advanced
1470 International Certificate of Education teacher in a school
1471 designated with a grade of "D" or "F" who has at least one
1472 student scoring E or higher on the full-credit Advanced
1473 International Certificate of Education examination, regardless
1474 of the number of classes taught or of the number of students
1475 scoring an E or higher on the full-credit Advanced International
1476 Certificate of Education examination.

1477 3. Additional bonuses of \$125 ~~\$250~~ each to teachers of



700952

602-02837D-10

1478 half-credit Advanced International Certificate of Education
1479 classes in a school designated with a grade of "D" or "F" which
1480 has at least one student scoring an E or higher on the half-
1481 credit Advanced International Certificate of Education
1482 examination in that class. The maximum additional bonus for a
1483 teacher awarded in accordance with this subparagraph shall not
1484 exceed \$250 ~~\$500~~ in any given school year. Teachers receiving an
1485 award under subparagraph 2. are not eligible for a bonus under
1486 this subparagraph.

1487
1488 Bonuses awarded to a teacher according to this paragraph shall
1489 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be
1490 in addition to any regular wage or other bonus the teacher
1491 received or is scheduled to receive.

1492 (o) *Calculation of additional full-time equivalent*
1493 *membership based on college board advanced placement scores of*
1494 *students.*—A value of 0.1 ~~0.16~~ full-time equivalent student
1495 membership shall be calculated for each student in each advanced
1496 placement course who receives a score of 3 or higher on the
1497 College Board Advanced Placement Examination for the prior year
1498 and added to the total full-time equivalent student membership
1499 in basic programs for grades 9 through 12 in the subsequent
1500 fiscal year. A student who receives a score of 3 or higher and
1501 did not take the advanced placement course is not eligible for
1502 the 0.1 FTE membership. Each district must allocate at least 80
1503 percent of the funds provided to the district for advanced
1504 placement instruction, in accordance with this paragraph, to the
1505 high school that generates the funds. The school district shall
1506 distribute to each classroom teacher who provided advanced



700952

602-02837D-10

1507 placement instruction:

1508 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught
1509 by the Advanced Placement teacher in each advanced placement
1510 course who receives a score of 3 or higher on the College Board
1511 Advanced Placement Examination.

1512 2. An additional bonus of \$250 ~~\$500~~ to each Advanced
1513 Placement teacher in a school designated with a grade of "D" or
1514 "F" who has at least one student scoring 3 or higher on the
1515 College Board Advanced Placement Examination, regardless of the
1516 number of classes taught or of the number of students scoring a
1517 3 or higher on the College Board Advanced Placement Examination.

1518
1519 Bonuses awarded to a teacher according to this paragraph shall
1520 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be
1521 in addition to any regular wage or other bonus the teacher
1522 received or is scheduled to receive.

1523 (p) *Calculation of additional full-time equivalent*
1524 *membership based on certification of successful completion of*
1525 *industry-certified career and professional academy programs*
1526 *pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified*
1527 *in the Industry Certified Funding List pursuant to rules adopted*
1528 *by the State Board of Education.*—A value of 0.3 full-time
1529 equivalent student membership shall be calculated for each
1530 student who completes an industry-certified career and
1531 professional academy program under ss. 1003.491, 1003.492, and
1532 1003.493 and who is issued the highest level of industry
1533 certification identified annually in the Industry Certification
1534 Funding List approved under rules adopted by the State Board of
1535 Education and a high school diploma. Such value shall be added



700952

602-02837D-10

1536 to the total full-time equivalent student membership in
1537 secondary career education programs for grades 9 through 12 in
1538 the subsequent year for courses that were not funded through
1539 dual enrollment. The additional full-time equivalent membership
1540 authorized under this paragraph may not exceed 0.3 per student.
1541 Each district must allocate at least 80 percent of the funds
1542 provided for industry certification, in accordance with this
1543 paragraph, to the program that generated the funds. Unless a
1544 different amount is specified in the General Appropriations Act,
1545 the appropriation for this calculation is limited to \$15 million
1546 annually. If the appropriation is insufficient to fully fund the
1547 total calculation, the appropriation shall be prorated.

1548 ~~(q) Calculation of additional full-time equivalent~~
1549 ~~membership for the Florida Virtual School. The reported full-~~
1550 ~~time equivalent student membership for the Florida Virtual~~
1551 ~~School for students who are also enrolled in a school district~~
1552 ~~shall be multiplied by 0.114, and such value shall be added to~~
1553 ~~the total full-time equivalent student membership.~~

1554 (6) CATEGORICAL FUNDS.—

1555 (b) If a district school board finds and declares in a
1556 resolution adopted at a regular meeting of the school board that
1557 the funds received for any of the following categorical
1558 appropriations are urgently needed to maintain school board
1559 specified academic classroom instruction, the school board may
1560 consider and approve an amendment to the school district
1561 operating budget transferring the identified amount of the
1562 categorical funds to the appropriate account for expenditure:

- 1563 1. Funds for student transportation.
1564 2. Funds for safe schools.



700952

602-02837D-10

- 1565 3. Funds for supplemental academic instruction.
1566 4. Funds for research-based reading instruction.
1567 5. Funds for instructional materials if all instructional
1568 material purchases necessary to provide updated materials
1569 aligned to Next Generation Sunshine State Standards and
1570 benchmarks and that meet statutory requirements of content and
1571 learning have been completed for that fiscal year, but no sooner
1572 than March 1, ~~2011~~ 2010. Funds available after March 1 may be
1573 used to purchase hardware used to provide student instruction.

1574 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1575 (d) Each district's allocation of sparsity supplement funds
1576 shall be adjusted in the following manner:

1577 1. A maximum discretionary levy per FTE value for each
1578 district shall be calculated by dividing the value of each
1579 district's maximum discretionary levy by its FTE student count.

1580 2. A state average discretionary levy value per FTE shall
1581 be calculated by dividing the total maximum discretionary levy
1582 value for all districts by the state total FTE student count.

1583 3. A total potential funds per FTE for each district shall
1584 be calculated by dividing the total potential funds, not
1585 including Florida School Recognition Program funds, Merit Award
1586 Program funds, and the minimum guarantee funds, for each
1587 district by its FTE student count.

1588 4. A state average total potential funds per FTE shall be
1589 calculated by dividing the total potential funds, not including
1590 Florida School Recognition Program funds, Merit Award Program
1591 funds, and the minimum guarantee funds, for all districts by the
1592 state total FTE student count.

1593 5. For districts that have a levy value per FTE as



700952

602-02837D-10

1594 calculated in subparagraph 1. higher than the state average
1595 calculated in subparagraph 2., a sparsity wealth adjustment
1596 shall be calculated as the product of the difference between the
1597 state average levy value per FTE calculated in subparagraph 2.
1598 and the district's levy value per FTE calculated in subparagraph
1599 1. and the district's FTE student count and -1. However, no
1600 district shall have a sparsity wealth adjustment that, when
1601 applied to the total potential funds calculated in subparagraph
1602 3., would cause the district's total potential funds per FTE to
1603 be less than the state average calculated in subparagraph 4.

1604 6. Each district's sparsity supplement allocation shall be
1605 calculated by adding the amount calculated as specified in
1606 paragraphs (a) and (b) and the wealth adjustment amount
1607 calculated in this paragraph.

1608 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
1609 CURRENT OPERATION.—The total annual state allocation to each
1610 district for current operation for the FEFP shall be distributed
1611 periodically in the manner prescribed in the General
1612 Appropriations Act.

1613 (a) If the funds appropriated for current operation of the
1614 FEFP are not sufficient to pay the state requirement in full,
1615 the department shall prorate the available state funds to each
1616 district in the following manner:

1617 1. Determine the percentage of proration by dividing the
1618 sum of the total amount for current operation, as provided in
1619 this paragraph for all districts collectively, and the total
1620 district required local effort into the sum of the state funds
1621 available for current operation and the total district required
1622 local effort.



700952

602-02837D-10

1623 2. Multiply the percentage so determined by the sum of the
1624 total amount for current operation as provided in this paragraph
1625 and the required local effort for each individual district.

1626 3. From the product of such multiplication, subtract the
1627 required local effort of each district; and the remainder shall
1628 be the amount of state funds allocated to the district for
1629 current operation; however, no calculation subsequent to the
1630 appropriation shall result in negative state funds for any
1631 district.

1632 Section 27. Paragraph (a) of subsection (4) of section
1633 1011.64, Florida Statutes, is amended to read:

1634 1011.64 School district minimum classroom expenditure
1635 requirements.—

1636 (4) In order for the Department of Education to monitor the
1637 implementation of this section, each school district which is
1638 required to increase emphasis on classroom activities from
1639 operating funds pursuant to subsection (1) shall submit to the
1640 department the following two reports in a format determined by
1641 the department:

1642 (a) An initial report, which shall include the proposed
1643 budget actions identified for increased classroom expenditures,
1644 a description of how such actions are designed to improve
1645 student achievement, and a copy of the published statement
1646 required by s. 1011.03(2) ~~s. 1011.03(3)~~. This report shall be
1647 submitted within 30 days after final budget approval as provided
1648 in s. 200.065.

1649 Section 28. Subsection (1) of section 1011.67, Florida
1650 Statutes, is amended to read:

1651 1011.67 Funds for instructional materials.—



700952

602-02837D-10

1652 (1) The department is authorized to allocate and distribute
1653 to each district an amount as prescribed annually by the
1654 Legislature for instructional materials for student membership
1655 in basic and special programs in grades K-12, which will provide
1656 for growth and maintenance needs. For purposes of this
1657 subsection, unweighted full-time equivalent students enrolled in
1658 the lab schools in state universities are to be included as
1659 school district students and reported as such to the department.
1660 ~~These funds shall be distributed to school districts as follows:~~
1661 ~~50 percent on or about July 10; 35 percent on or about October~~
1662 ~~10; 10 percent on or about January 10; and 5 percent on or about~~
1663 ~~June 10.~~ The annual allocation shall be determined as follows:

1664 (a) The growth allocation for each school district shall be
1665 calculated as follows:

1666 1. Subtract from that district's projected full-time
1667 equivalent membership of students in basic and special programs
1668 in grades K-12 used in determining the initial allocation of the
1669 Florida Education Finance Program, the prior year's full-time
1670 equivalent membership of students in basic and special programs
1671 in grades K-12 for that district.

1672 2. Multiply any such increase in full-time equivalent
1673 student membership by the allocation for a set of instructional
1674 materials, as determined by the department, or as provided for
1675 in the General Appropriations Act.

1676 3. The amount thus determined shall be that district's
1677 initial allocation for growth for the school year. However, the
1678 department shall recompute and adjust the initial allocation
1679 based on actual full-time equivalent student membership data for
1680 that year.



700952

602-02837D-10

1681 (b) The maintenance of the instructional materials
1682 allocation for each school district shall be calculated by
1683 multiplying each district's prior year full-time equivalent
1684 membership of students in basic and special programs in grades
1685 K-12 by the allocation for maintenance of a set of instructional
1686 materials as provided for in the General Appropriations Act. The
1687 amount thus determined shall be that district's initial
1688 allocation for maintenance for the school year; however, the
1689 department shall recompute and adjust the initial allocation
1690 based on such actual full-time equivalent student membership
1691 data for that year.

1692 (c) In the event the funds appropriated are not sufficient
1693 for the purpose of implementing this subsection in full, the
1694 department shall prorate the funds available for instructional
1695 materials after first funding in full each district's growth
1696 allocation.

1697 Section 29. Section 1011.66, Florida Statutes, is amended
1698 to read:

1699 1011.66 Distribution of FEFP funds.—The distribution of
1700 FEFP funds shall be made in payments on or about the 10th and
1701 26th of each month. ~~Upon the request of any school district~~
1702 ~~whose net state FEFP funding is less than 60 percent of its~~
1703 ~~gross state and local FEFP funding, the Department of Education~~
1704 ~~shall distribute to that school district in the first quarter of~~
1705 ~~the fiscal year an amount from the funds appropriated for the~~
1706 ~~FEFP in the General Appropriations Act up to a maximum of 15~~
1707 ~~percent of that school district's gross state and local FEFP~~
1708 ~~funding or that school district's net state FEFP funding,~~
1709 ~~whichever is less.~~



700952

602-02837D-10

1710 Section 30. Subsection (2) of section 1011.68, Florida
1711 Statutes, is amended to read:

1712 1011.68 Funds for student transportation.—The annual
1713 allocation to each district for transportation to public school
1714 programs, including charter schools as provided in s.
1715 1002.33(17)(b), of students in membership in kindergarten
1716 through grade 12 and in migrant and exceptional student programs
1717 below kindergarten shall be determined as follows:

1718 (2) The allocation for each district shall be calculated
1719 annually in accordance with the following formula:

1720 $T = B + EX$. The elements of this formula are defined as
1721 follows: T is the total dollar allocation for transportation. B
1722 is the base transportation dollar allocation prorated by an
1723 adjusted student membership count. The adjusted membership count
1724 shall be derived from a multiplicative index function in which
1725 the base student membership is adjusted by multiplying it by
1726 index numbers that individually account for the impact of the
1727 price level index, average bus occupancy, and the extent of
1728 rural population in the district. EX is the base transportation
1729 dollar allocation for disabled students prorated by an adjusted
1730 disabled student membership count. The base transportation
1731 dollar allocation for disabled students is the total state base
1732 disabled student membership count weighted for increased costs
1733 associated with transporting disabled students and multiplying
1734 it by an ~~the prior year's~~ average per student cost for
1735 transportation as determined by the Legislature. The adjusted
1736 disabled student membership count shall be derived from a
1737 multiplicative index function in which the weighted base
1738 disabled student membership is adjusted by multiplying it by



700952

602-02837D-10

1739 index numbers that individually account for the impact of the
1740 price level index, average bus occupancy, and the extent of
1741 rural population in the district. Each adjustment factor shall
1742 be designed to affect the base allocation by no more or less
1743 than 10 percent.

1744 Section 31. Paragraph (b) of subsection (3) of section
1745 1011.71, Florida Statutes, is amended to read:

1746 1011.71 District school tax.—

1747 (3)

1748 (b) In addition to the millage authorized in this section,
1749 each district school board may, by a super majority vote, levy
1750 an additional 0.25 mills for critical capital outlay needs or
1751 for critical operating needs. If levied for capital outlay,
1752 expenditures shall be subject to the requirements of this
1753 section. If levied for operations, expenditures shall be
1754 consistent with the requirements for operating funds received
1755 pursuant to s. 1011.62. If the district levies this additional
1756 0.25 mills for operations, the compression adjustment pursuant
1757 to s. 1011.62(5) shall be calculated and added to the district's
1758 FEFP allocation. ~~Millage levied pursuant to this paragraph is~~
1759 ~~subject to the provisions of s. 200.065. In order to be~~
1760 ~~continued, millage levied pursuant to this paragraph must be~~
1761 ~~approved by the voters of the district at the next general~~
1762 ~~election.~~

1763 Section 32. Subsection (2) of section 1011.73, Florida
1764 Statutes, is amended to read:

1765 1011.73 District millage elections.—

1766 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
1767 school board, pursuant to resolution adopted at a regular



700952

602-02837D-10

1768 meeting, shall direct the county commissioners to call an
1769 election at which the electors within the school district may
1770 approve an ad valorem tax millage as authorized under s.
1771 1011.71(9) ~~s. 1011.71(8)~~. Such election may be held at any time,
1772 except that not more than one such election shall be held during
1773 any 12-month period. Any millage so authorized shall be levied
1774 for a period not in excess of 4 years or until changed by
1775 another millage election, whichever is earlier. If any such
1776 election is invalidated by a court of competent jurisdiction,
1777 such invalidated election shall be considered not to have been
1778 held.

1779 Section 33. Paragraph (g) of subsection (3) of section
1780 1012.33, Florida Statutes, is amended to read:

1781 1012.33 Contracts with instructional staff, supervisors,
1782 and school principals.—

1783 (3)

1784 (g) Beginning July 1, 2001, for each employee who enters
1785 into a written contract, pursuant to this section, in a school
1786 district in which the employee was not employed as of June 30,
1787 2001, or was employed as of June 30, 2001, but has since broken
1788 employment with that district for 1 school year or more, for
1789 purposes of pay, a district school board must recognize and
1790 accept each year of full-time public school teaching service
1791 earned in the State of Florida for which the employee received a
1792 satisfactory performance evaluation; however, an employee may
1793 voluntarily waive this provision. Instructional personnel
1794 employed pursuant to s. 121.091(9) (b) and (c) are exempt from
1795 the provisions of this paragraph.

1796 Section 34. Subsection (1) of section 1012.55, Florida



700952

602-02837D-10

1797 Statutes, is amended to read:

1798 1012.55 Positions for which certificates required.—

1799 (1) The State Board of Education shall classify school
1800 services, designate the certification subject areas, establish
1801 competencies, including the use of technology to enhance student
1802 learning, and certification requirements for all school-based
1803 personnel, and adopt rules in accordance with which the
1804 professional, temporary, and part-time certificates shall be
1805 issued by the Department of Education to applicants who meet the
1806 standards prescribed by such rules for their class of service.
1807 Each person employed or occupying a position as school
1808 supervisor, school principal, teacher, library media specialist,
1809 school counselor, athletic coach, or other position in which the
1810 employee serves in an instructional capacity, in any public
1811 school of any district of this state shall hold the certificate
1812 required by law and by rules of the State Board of Education in
1813 fulfilling the requirements of the law for the type of service
1814 rendered. Such positions include personnel providing direct
1815 instruction to students through a virtual environment or through
1816 a blended virtual and physical environment. The Department of
1817 Education shall identify appropriate educator certification for
1818 the instruction of specified courses in an annual publication of
1819 a directory of course code numbers for all programs and courses
1820 that are funded through the Florida Education Finance Program.
1821 However, the state board shall adopt rules authorizing district
1822 school boards to employ selected noncertificated personnel to
1823 provide instructional services in the individuals' fields of
1824 specialty or to assist instructional staff members as education
1825 paraprofessionals.



700952

602-02837D-10

1826 Section 35. Paragraphs (a) and (d) of subsection (1) of
1827 section 1013.62, Florida Statutes, are amended to read:

1828 1013.62 Charter schools capital outlay funding.—

1829 (1) In each year in which funds are appropriated for
1830 charter school capital outlay purposes, the Commissioner of
1831 Education shall allocate the funds among eligible charter
1832 schools.

1833 (a) To be eligible for a funding allocation, a charter
1834 school must:

1835 1.a. Have been in operation for 3 or more years;

1836 b. Be governed by a governing board established in the
1837 state for 3 or more years which operates both charter schools
1838 and conversion charter schools within the state;

1839 c. Be an expanded feeder chain of a charter school within
1840 the same school district that is currently receiving charter
1841 school capital outlay funds; or

1842 d. Have been accredited by the Commission on Schools of the
1843 Southern Association of Colleges and Schools.

1844 2. Have financial stability for future operation as a
1845 charter school.

1846 3. Have satisfactory student achievement based on state
1847 accountability standards applicable to the charter school.

1848 4. Have received final approval from its sponsor pursuant
1849 to s. 1002.33 for operation during that fiscal year.

1850 5. Serve students in facilities that are not provided by
1851 the charter school's sponsor or that are provided by a business
1852 partner for a charter school-in-the-workplace pursuant to s.
1853 1002.33(15)(b).

1854 (d) A charter school is not eligible for a funding



700952

602-02837D-10

1855 allocation:

1856 1. If it was created by the conversion of a public school
1857 and operates in facilities provided by the charter school's
1858 sponsor for a nominal fee, or at no charge, or if it is directly
1859 or indirectly operated by the school district.

1860 2. If it was created as a charter school-in-the-workplace
1861 and operates in facilities provided by the business partnership.

1862 Section 36. Paragraphs (a) and (b) of subsection (2) of
1863 section 1013.64, Florida Statutes, are amended to read:

1864 1013.64 Funds for comprehensive educational plant needs;
1865 construction cost maximums for school district capital
1866 projects.—Allocations from the Public Education Capital Outlay
1867 and Debt Service Trust Fund to the various boards for capital
1868 outlay projects shall be determined as follows:

1869 (2) (a) The department shall establish, as a part of the
1870 Public Education Capital Outlay and Debt Service Trust Fund, a
1871 separate account, in an amount determined by the Legislature, to
1872 be known as the "Special Facility Construction Account." The
1873 Special Facility Construction Account shall be used to provide
1874 necessary construction funds to school districts which have
1875 urgent construction needs but which lack sufficient resources at
1876 present, and cannot reasonably anticipate sufficient resources
1877 within the period of the next 3 years, for these purposes from
1878 currently authorized sources of capital outlay revenue. A school
1879 district requesting funding from the Special Facility
1880 Construction Account shall submit one specific construction
1881 project, not to exceed one complete educational plant, to the
1882 Special Facility Construction Committee. No district shall
1883 receive funding for more than one approved project in any 3-year



700952

602-02837D-10

1884 period. The first year of the 3-year period shall be the first
1885 year a district receives an appropriation. The department shall
1886 encourage a construction program that reduces the average size
1887 of schools in the district. The request must meet the following
1888 criteria to be considered by the committee:

1889 1. The project must be deemed a critical need and must be
1890 recommended for funding by the Special Facility Construction
1891 Committee. Prior to developing plans for the proposed facility,
1892 the district school board must request a preapplication review
1893 by the Special Facility Construction Committee or a project
1894 review subcommittee convened by the committee to include two
1895 representatives of the department and two staff from school
1896 districts not eligible to participate in the program. Within 60
1897 days after receiving the preapplication review request, the
1898 committee or subcommittee must meet in the school district to
1899 review the project proposal and existing facilities. To
1900 determine whether the proposed project is a critical need, the
1901 committee or subcommittee shall consider, at a minimum, the
1902 capacity of all existing facilities within the district as
1903 determined by the Florida Inventory of School Houses; the
1904 district's pattern of student growth; the district's existing
1905 and projected capital outlay full-time equivalent student
1906 enrollment as determined by the department; the district's
1907 existing satisfactory student stations; the use of all existing
1908 district property and facilities; grade level configurations;
1909 and any other information that may affect the need for the
1910 proposed project.

1911 2. The construction project must be recommended in the most
1912 recent survey or surveys conducted and approved by the Office of



700952

602-02837D-10

1913 Educational Facilities with assistance of ~~by~~ the district under
1914 the rules of the State Board of Education.

1915 3. The construction project must appear on the district's
1916 approved project priority list under the rules of the State
1917 Board of Education.

1918 4. The district must have selected and had approved a site
1919 for the construction project in compliance with s. 1013.36 and
1920 the rules of the State Board of Education.

1921 5. With assistance of the Office of Educational Facilities,
1922 the district shall have developed a district school board
1923 adopted list of facilities that do not exceed the norm for net
1924 square feet occupancy requirements under the State Requirements
1925 for Educational Facilities, using all possible programmatic
1926 combinations for multiple use of space to obtain maximum daily
1927 use of all spaces within the facility under consideration.

1928 6. Upon construction, the total cost per student station,
1929 including change orders, must not exceed the cost per student
1930 station as provided in subsection (6). The total project may not
1931 exceed the cost estimate approved by the Special Facility
1932 Construction Committee, and additional funding may not be added
1933 except for providential causes.

1934 7. There shall be an agreement signed by the district
1935 school board stating that it will advertise for bids within 30
1936 days of receipt of its encumbrance authorization from the
1937 department.

1938 8. The district shall, at the time of the request and for a
1939 continuing period of 3 years, levy the maximum millage against
1940 their nonexempt assessed property value as allowed in s.
1941 1011.71(2) or shall raise an equivalent amount of revenue from



700952

602-02837D-10

1942 the school capital outlay surtax authorized under s. 212.055(6).
1943 Any district with a new or active project, funded under the
1944 provisions of this subsection, shall be required to budget no
1945 more than the value of 1.5 mills per year to the project to
1946 satisfy the annual participation requirement in the Special
1947 Facility Construction Account.

1948 9. If a contract has not been signed 90 days after the
1949 advertising of bids, the funding for the specific project shall
1950 revert to the Special Facility New Construction Account to be
1951 reallocated to other projects on the list. However, an
1952 additional 90 days may be granted by the commissioner.

1953 10. The department shall certify the inability of the
1954 district to fund the survey-recommended project over a
1955 continuous 3-year period using projected capital outlay revenue
1956 derived from s. 9(d), Art. XII of the State Constitution, as
1957 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1958 11. The district shall have on file with the department an
1959 adopted resolution acknowledging its 3-year commitment of all
1960 unencumbered and future revenue acquired from s. 9(d), Art. XII
1961 of the State Constitution, as amended, paragraph (3)(a) of this
1962 section, and s. 1011.71(2).

1963 12. Final phase III plans must be certified by the board as
1964 complete and in compliance with the building and life safety
1965 codes, and reviewed and approved by the Office of Educational
1966 Facilities, prior to August 1.

1967 (b) The Special Facility Construction Committee shall be
1968 composed of the following: two representatives of the Department
1969 of Education, a representative from the Governor's office, and
1970 two representatives for school districts. The school district



700952

602-02837D-10

1971 representatives must be from districts that do not qualify for
1972 appropriations from the Special Facilities Construction Account
1973 and shall be a representative selected annually, one by the
1974 district school boards, and one a representative selected
1975 annually by the superintendents.

1976 Section 37. In order to implement Specific Appropriations
1977 +++ of the General Appropriations Act for the 2010-2011 fiscal
1978 year, the calculations of the Florida Education Finance Program
1979 for the 2010-2011 fiscal year in the document entitled "Public
1980 School Funding - The Florida Education Finance Program," dated
1981 xx, 2010, and filed with the Secretary of the Senate are
1982 incorporated by reference for the purpose of displaying the
1983 calculations used by the Legislature, consistent with
1984 requirements of the Florida Statutes, in making appropriations
1985 for the Florida Education Finance Program.

1986 Section 38. Except as otherwise expressly provided in this
1987 act, this act shall take effect July 1, 2010.