

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

602-03214B-10

20101368c1

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.; extending the  
10          duration of a provision specifying methods to  
11          calculate the salary of a school board member;  
12          amending s. 1001.451, F.S.; removing the repeal of  
13          provisions authorizing a reduction in the incentive  
14          grants that are awarded to consortium service  
15          organizations; amending s. 1002.32, F.S.; including  
16          the millage levied for fixed capital outlay in  
17          determining the amount provided to lab schools for  
18          operating expenses; amending s. 1002.33, F.S.;  
19          requiring that a charter school comply with statutes  
20          pertaining to maximum class size; providing that  
21          certain capital outlay funds shared with a charter  
22          school-in-the-workplace before July 1, 2010, are  
23          deemed to meet certain expenditure requirements;  
24          revising requirements for calculating the  
25          administrative fee that the sponsor of a charter  
26          school may withhold and use for capital outlay  
27          purposes; amending s. 1002.37, F.S.; providing certain  
28          limitations on reporting credits earned by a student  
29          through the Florida Virtual School for purposes of

602-03214B-10

20101368c1

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

602-03214B-10

20101368c1

59 Legislative Budget Commission; providing for  
60 alternative measures to take effect upon approval of  
61 an amendment to the State Constitution by the electors  
62 of the state; providing for virtual instruction  
63 courses to be included in implementing the class size  
64 maximums; amending s. 1003.492, F.S.; clarifying the  
65 duties of the Department of Education in approving the  
66 list of industry certifications for career education  
67 programs; amending s. 1006.28, F.S.; redefining the  
68 term "adequate instructional materials" to include  
69 electronic content; creating s. 1006.281, F.S.;  
70 encouraging school districts to provide access for  
71 teachers, students, and parents to an electronic  
72 learning management system; specifying the required  
73 functionality of such a system; requiring the  
74 Department of Education to assist school districts in  
75 deploying an electronic learning management system;  
76 amending s. 1006.29, F.S.; providing that  
77 instructional materials include electronic content;  
78 requiring that a publisher or manufacturer providing  
79 instructional materials as a single bundle make the  
80 materials available separately and priced  
81 individually; requiring that instructional materials  
82 adopted after a specified date for students in grades  
83 9 through 12 be provided primarily in an electronic  
84 format; amending s. 1006.33, F.S.; requiring that an  
85 advertisement for bids for instructional materials  
86 require the bidder to furnish electronic specimen  
87 copies of the materials; requiring that district

602-03214B-10

20101368c1

88 school superintendents request samples in a format  
89 other than an electronic format through the  
90 department; amending s. 1006.40, F.S.; requiring that  
91 a specified percentage of a district's annual  
92 allocation for instructional materials be used for  
93 electronic materials beginning with the 2012-2013  
94 fiscal year; including electronic content as an  
95 approved item of instruction; amending s. 1007.27,  
96 F.S.; providing that secondary school students are  
97 authorized users of the state-funded electronic  
98 library resources licensed for public colleges and  
99 universities; providing for verification of  
100 eligibility according to rules established by the  
101 State Board of Education and the Board of Governors of  
102 the State University System; amending s. 1008.34,  
103 F.S.; providing for the calculation of certain school  
104 grades to include student completion of specified  
105 courses; amending s. 1011.03, F.S.; requiring that a  
106 district school board post its proposed millage levies  
107 on the district's website; revising the requirements  
108 for publishing the proposed levies in a newspaper;  
109 amending s. 1011.60, F.S.; deleting a requirement that  
110 the State Board of Education adopt rules governing the  
111 school term; amending s. 1011.62, F.S.; revising the  
112 requirements for calculating full-time equivalent  
113 student membership; reducing the amount authorized for  
114 teacher bonuses; requiring that a district allocate a  
115 specified percentage of funds for industry  
116 certification to the center or program that generated

602-03214B-10

20101368c1

117 the funds; authorizing a district school board to use  
118 categorical funds for materials that meet the Next  
119 Generation Sunshine State Standards and for certain  
120 hardware; providing for adjusting a district's  
121 sparsity supplement based on Merit Award Program  
122 funds; clarifying that a calculation subsequent to an  
123 appropriation does not result in negative state funds  
124 for any district; amending s. 1011.64, F.S., relating  
125 to minimum classroom expenditure requirements;  
126 conforming a cross-reference; amending s. 1011.67,  
127 F.S.; removing requirements for the staggered  
128 distribution of funds to districts for instructional  
129 materials; amending s. 1011.66, F.S.; removing a  
130 provision authorizing the distribution of 60 percent  
131 of FEFP funds to a district during the first quarter  
132 of a fiscal year; amending s. 1011.68, F.S.; requiring  
133 that the allocation for student transportation be  
134 determined by the Legislature rather than based on the  
135 prior year's average student cost for transportation;  
136 amending s. 1011.71, F.S.; removing certain  
137 requirements for the additional millage levied by a  
138 district for critical capital outlay needs or critical  
139 operating needs; amending s. 1011.73, F.S., relating  
140 to district millage elections; correcting a cross-  
141 reference; amending s. 1012.33, F.S.; exempting  
142 specified reemployed instructional personnel from  
143 certain requirements for determining pay; amending s.  
144 1012.467, F.S.; requiring school districts to accept  
145 reciprocity of level 2 screening for Florida High

602-03214B-10

20101368c1

146 School Athletic Association Officials; 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 must serve students in facilities that  
152 are provided by a business partner for a charter  
153 school-in-the-workplace to be eligible for an  
154 allocation of funds for capital outlay purposes;  
155 providing for the incorporation by reference of  
156 certain calculations used by the Legislature for the  
157 2010-2011 fiscal year; providing effective dates.

158

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

160

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

163 212.055 Discretionary sales surtaxes; legislative intent;  
164 authorization and use of proceeds.—It is the legislative intent  
165 that any authorization for imposition of a discretionary sales  
166 surtax shall be published in the Florida Statutes as a  
167 subsection of this section, irrespective of the duration of the  
168 levy. Each enactment shall specify the types of counties  
169 authorized to levy; the rate or rates which may be imposed; the  
170 maximum length of time the surtax may be imposed, if any; the  
171 procedure which must be followed to secure voter approval, if  
172 required; the purpose for which the proceeds may be expended;  
173 and such other requirements as the Legislature may provide.

174 Taxable transactions and administrative procedures shall be as

602-03214B-10

20101368c1

175 provided in s. 212.054.

176 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

177 ~~(d) Any school board imposing the surtax shall implement a~~  
178 ~~freeze on noncapital local school property taxes, at the millage~~  
179 ~~rate imposed in the year prior to the implementation of the~~  
180 ~~surtax, for a period of at least 3 years from the date of~~  
181 ~~imposition of the surtax. This provision shall not apply to~~  
182 ~~existing debt service or taxes authorized in the General~~  
183 ~~Appropriations Act.~~

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

187 Section 2. Paragraph (d) of subsection (2) of section  
188 216.292, Florida Statutes, is repealed.

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

191 1001.395 District school board members; compensation.—

192 (3) Notwithstanding the provisions of this section and s.  
193 145.19, for the 2010-2011 ~~2009-2010~~ fiscal year, the salary of  
194 each district school board member shall be the amount calculated  
195 pursuant to subsection (1) or the district's beginning salary  
196 for teachers who hold baccalaureate degrees, whichever is less.

197 Section 4. Paragraph (c) of subsection (2) of section  
198 1001.451, Florida Statutes, is amended to read:

199 1001.451 Regional consortium service organizations.—In  
200 order to provide a full range of programs to larger numbers of  
201 students, minimize duplication of services, and encourage the  
202 development of new programs and services:

203 (2)

602-03214B-10

20101368c1

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

210 Section 5. Paragraph (d) of subsection (9) of section  
211 1002.32, Florida Statutes, is amended to read:

212 1002.32 Developmental research (laboratory) schools.—

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

215 (d) Each lab school shall receive funds for operating  
216 purposes in an amount determined as follows: multiply the  
217 maximum allowable nonvoted discretionary millage for operations  
218 pursuant to s. 1011.71(1) and (3) by the value of 95 percent of  
219 the current year's taxable value for school purposes for the  
220 district in which each lab school is located; divide the result  
221 by the total full-time equivalent membership of the district;  
222 and multiply the result by the full-time equivalent membership  
223 of the lab school. The amount thus obtained shall be  
224 discretionary operating funds and shall be appropriated from  
225 state funds in the General Appropriations Act to the Lab School  
226 Trust Fund.

227 Section 6. Paragraph (a) of subsection (16), subsection  
228 (19), and paragraph (a) of subsection (20) of section 1002.33,  
229 Florida Statutes, are amended to read:

230 1002.33 Charter schools.—

231 (16) EXEMPTION FROM STATUTES.—

232 (a) A charter school shall operate in accordance with its



602-03214B-10

20101368c1

233 charter and shall be exempt from all statutes in chapters 1000-  
234 1013. However, a charter school shall be in compliance with the  
235 following statutes in chapters 1000-1013:

236 1. Those statutes specifically applying to charter schools,  
237 including this section.

238 2. Those statutes pertaining to the student assessment  
239 program and school grading system.

240 3. Those statutes pertaining to the provision of services  
241 to students with disabilities.

242 4. Those statutes pertaining to civil rights, including s.  
243 1000.05, relating to discrimination.

244 5. Those statutes pertaining to student health, safety, and  
245 welfare.

246 6. Those statutes pertaining to maximum class size.

247 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
248 for capital outlay funds pursuant to s. 1013.62. Capital outlay  
249 funds authorized in s. 1011.71(2) which have been shared with a  
250 charter school-in-the-workplace prior to July 1, 2010, are  
251 deemed to have met the authorized expenditure requirements for  
252 such funds.

253 (20) SERVICES.—

254 (a) 1. A sponsor shall provide certain administrative and  
255 educational services to charter schools. These services shall  
256 include contract management services; full-time equivalent and  
257 data reporting services; exceptional student education  
258 administration services; services related to eligibility and  
259 reporting duties required to ensure that school lunch services  
260 under the federal lunch program, consistent with the needs of  
261 the charter school, are provided by the school district at the

602-03214B-10

20101368c1

262 request of the charter school, that any funds due to the charter  
263 school under the federal lunch program be paid to the charter  
264 school as soon as the charter school begins serving food under  
265 the federal lunch program, and that the charter school is paid  
266 at the same time and in the same manner under the federal lunch  
267 program as other public schools serviced by the sponsor or the  
268 school district; test administration services, including payment  
269 of the costs of state-required or district-required student  
270 assessments; processing of teacher certificate data services;  
271 and information services, including equal access to student  
272 information systems that are used by public schools in the  
273 district in which the charter school is located. Student  
274 performance data for each student in a charter school,  
275 including, but not limited to, FCAT scores, standardized test  
276 scores, previous public school student report cards, and student  
277 performance measures, shall be provided by the sponsor to a  
278 charter school in the same manner provided to other public  
279 schools in the district.

280 2. A total administrative fee for the provision of such  
281 services shall be calculated based upon up to 5 percent of the  
282 available funds defined in paragraph (17)(b) for all students.  
283 However, a sponsor may only withhold up to a 5 percent ~~5-percent~~  
284 administrative fee for enrollment for up to and including 250  
285 ~~500~~ students. For charter schools with a population of 251 ~~501~~  
286 or more students, the difference between the total  
287 administrative fee calculation and the amount of the  
288 administrative fee withheld may only be used for capital outlay  
289 purposes specified in s. 1013.62(2).

290 3. In addition, a sponsor may withhold only up to a 5

602-03214B-10

20101368c1

291 percent administrative fee for enrollment for up to and  
292 including 500 students within the system for a system of charter  
293 schools which meets all of the following:

294 a. Includes both conversion charter schools and non-  
295 conversion charter schools;

296 b. All schools are located in the same municipality in the  
297 same county;

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

300 d. Has the same governing board; and

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

303 4. The difference between the total administrative fee  
304 calculation and the amount of the administrative fee withheld  
305 for such system of charter schools may be used for instructional  
306 and administrative purposes as well as for capital outlay  
307 purposes specified in s. 1013.62(2).

308 5. Each charter school shall receive 100 percent of the  
309 funds awarded to that school pursuant to s. 1012.225. Sponsors  
310 shall not charge charter schools any additional fees or  
311 surcharges for administrative and educational services in  
312 addition to the maximum 5 percent ~~5-percent~~ administrative fee  
313 withheld pursuant to this paragraph.

314 Section 7. Paragraphs (a) and (f) of subsection (3) of  
315 section 1002.37, Florida Statutes, are amended to read:

316 1002.37 The Florida Virtual School.—

317 (3) Funding for the Florida Virtual School shall be  
318 provided as follows:

319 (a) A "full-time equivalent student" for the Florida

602-03214B-10

20101368c1

320 Virtual School is one student who has successfully completed six  
321 credits that shall count toward the minimum number of credits  
322 required for high school graduation. A student who completes  
323 less than six credits shall be a fraction of a full-time  
324 equivalent student. Half-credit completions shall be included in  
325 determining a full-time equivalent student. Half-credits earned  
326 by a student 20 weeks or more after beginning the course, and  
327 credits earned by a student 40 weeks or more after beginning the  
328 course, are not eligible to be funded and may not be reported.  
329 Credit completed by a student in excess of the minimum required  
330 for that student for high school graduation is not eligible for  
331 funding.

332 (f) The Florida Virtual School shall receive funds for  
333 operating purposes in an amount determined as follows: multiply  
334 the maximum allowable nonvoted discretionary millage for  
335 operations pursuant to s. 1011.71(1) and (3) by the value of 95  
336 percent of the current year's taxable value for school purposes  
337 for the state; divide the result by the total full-time  
338 equivalent membership of the state; and multiply the result by  
339 the full-time equivalent membership of the school. The amount  
340 thus obtained shall be discretionary operating funds and shall  
341 be appropriated from state funds in the General Appropriations  
342 Act.

343 Section 8. Paragraphs (a) and (b) of subsection (1),  
344 paragraph (a) of subsection (2), and subsections (7) and (12) of  
345 section 1002.45, Florida Statutes, are amended to read:

346 1002.45 School district virtual instruction programs.—

347 (1) PROGRAM.—

348 (a) For purposes of this section, the term:

602-03214B-10

20101368c1

349 1. "Approved provider" means a provider that is approved by  
350 the Department of Education under subsection (2), the Florida  
351 Virtual School, ~~or~~ a franchise of the Florida Virtual School, or  
352 a public community college.

353 2. "Virtual instruction program" means a program of  
354 instruction provided in an interactive learning environment  
355 created through technology in which students are separated from  
356 their teachers by time or space, or both, and in which a  
357 Florida-certified teacher under chapter 1012 is responsible for  
358 at least:

359 a. Fifty percent of the direct instruction to students in  
360 kindergarten through grade 5; or

361 b. Eighty percent of the direct instruction to students in  
362 grades 6 through 12.

363 (b) Beginning with the 2009-2010 school year, each school  
364 district shall provide eligible students within its boundaries  
365 the option of participating in a virtual instruction program.  
366 The purpose of the program is to make instruction available to  
367 students using online and distance learning technology in the  
368 nontraditional classroom. The program shall be:

369 1. Full-time for students enrolled in kindergarten through  
370 grade 12.

371 2. Full-time or part-time for students in grades 9 through  
372 12 who are enrolled in dropout prevention and academic  
373 intervention programs under s. 1003.53, ~~or~~ Department of  
374 Juvenile Justice education programs under s. 1003.52, core-  
375 curricula courses to meet class size requirements, or community  
376 colleges in grades 9 through 12.

377 (2) PROVIDER QUALIFICATIONS.-

602-03214B-10

20101368c1

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

382 1. Is nonsectarian in its programs, admission policies,  
383 employment practices, and operations;

384 2. Complies with the antidiscrimination provisions of s.  
385 1000.05;

386 3. Locates an administrative office or offices in this  
387 state, requires its administrative staff to be state residents,  
388 requires all instructional staff to be Florida-certified  
389 teachers under chapter 1012, and conducts background screenings  
390 for all employees or contracted personnel, as required by s.  
391 1012.32, using state and national criminal history records;

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

394 5. Is accredited by the Southern Association of Colleges  
395 and Schools Council on Accreditation and School Improvement, the  
396 North Central Association Commission on Accreditation and School  
397 Improvement, the Middle States Association of Colleges and  
398 Schools Commission on Elementary Schools and Commission on  
399 Secondary Schools, the New England Association of Schools and  
400 Colleges, the Northwest Association of Accredited Schools, the  
401 Western Association of Schools and Colleges, or the Commission  
402 on International and Trans-Regional Accreditation; ~~and.~~

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

405 (7) FUNDING.—

406 (a) For purposes of a school district virtual instruction

602-03214B-10

20101368c1

407 program, "full-time equivalent student" has the same meaning as  
408 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

409 (b) The school district in which the student resides shall  
410 report full-time equivalent students for the school district  
411 virtual instruction program to the department in a manner  
412 prescribed by the department, and funding shall be provided  
413 through the Florida Education Finance Program. Funds received by  
414 the school district of residence for a student in a virtual  
415 instruction program provided by another school district under  
416 this section shall be transferred to the school district  
417 providing the virtual instruction program.

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

421 ~~(12) STUDY. The department shall review the advisability of~~  
422 ~~legislatively authorizing school districts to contract with~~  
423 ~~approved private providers for the provision of part-time~~  
424 ~~virtual instruction programs for students in grades 9 through 12~~  
425 ~~who are not enrolled in programs under ss. 1003.52 and 1003.53.~~  
426 ~~The department shall report its findings and recommendations to~~  
427 ~~the presiding officers of the Legislature and the Governor by~~  
428 ~~January 15, 2010.~~

429 Section 9. Paragraphs (c) and (f) of subsection (3) of  
430 section 1002.55, Florida Statutes, are amended to read:

431 1002.55 School-year prekindergarten program delivered by  
432 private prekindergarten providers.—

433 (3) To be eligible to deliver the prekindergarten program,  
434 a private prekindergarten provider must meet each of the  
435 following requirements:

602-03214B-10

20101368c1

436 (c) The private prekindergarten provider must have, for  
437 each prekindergarten class composed of 12 children or fewer, at  
438 least one prekindergarten instructor who meets each of the  
439 following requirements:

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

442 a. A child development associate credential issued by the  
443 National Credentialing Program of the Council for Professional  
444 Recognition; or

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

448

449 The Department of Children and Family Services may adopt rules  
450 under ss. 120.536(1) and 120.54 which provide criteria and  
451 procedures for approving equivalent credentials under sub-  
452 subparagraph b.

453 2. The prekindergarten instructor must successfully  
454 complete an emergent literacy training course approved by the  
455 department as meeting or exceeding the minimum standards adopted  
456 under s. 1002.59. This subparagraph does not apply to a  
457 prekindergarten instructor who successfully completes approved  
458 training in early literacy and language development under s.  
459 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the  
460 establishment of one or more emergent literacy training courses  
461 under s. 1002.59 or April 1, 2005, whichever occurs later.

462 (f) Each of the private prekindergarten provider's  
463 prekindergarten classes must be composed of at least 4 students  
464 but may not exceed 24 ~~18~~ students. In order to protect the



602-03214B-10

20101368c1

465 health and safety of students, each private prekindergarten  
466 provider must also provide appropriate adult supervision for  
467 students at all times and, for each prekindergarten class  
468 composed of 13 to 20 ~~11 or more~~ students, must have, in addition  
469 to a prekindergarten instructor who meets the requirements of  
470 paragraph (c), at least one adult prekindergarten instructor who  
471 is not required to meet those requirements but who must meet  
472 each requirement of paragraph (d). Each prekindergarten class  
473 composed of 21 to 24 students must have an additional  
474 prekindergarten instructor who meets the requirements of  
475 paragraph (c). This paragraph does not supersede any requirement  
476 imposed on a provider under ss. 402.301-402.319.

477 Section 10. Subsection (7) of section 1002.63, Florida  
478 Statutes, is amended to read:

479 1002.63 School-year prekindergarten program delivered by  
480 public schools.—

481 (7) Each prekindergarten class in a public school  
482 delivering the school-year prekindergarten program must be  
483 composed of at least 4 students but may not exceed 24 ~~18~~  
484 students. In order to protect the health and safety of students,  
485 each school must also provide appropriate adult supervision for  
486 students at all times and, for each prekindergarten class  
487 composed of 13 to 20 ~~11 or more~~ students, must have, in addition  
488 to a prekindergarten instructor who meets the requirements of s.  
489 1002.55(3)(c), at least one adult prekindergarten instructor who  
490 is not required to meet those requirements but who must meet  
491 each requirement of subsection (5). Each prekindergarten class  
492 composed of 21 to 24 students must have an additional  
493 prekindergarten instructor who meets the requirements of

602-03214B-10

20101368c1

494 paragraph (c).

495 Section 11. Subsection (7) of section 1002.71, Florida  
496 Statutes, is amended to read:

497 1002.71 Funding; financial and attendance reporting.—

498 (7) The Agency for Workforce Innovation shall require that  
499 administrative expenditures be kept to the minimum necessary for  
500 efficient and effective administration of the Voluntary  
501 Prekindergarten Education Program. Administrative policies and  
502 procedures shall be revised, to the maximum extent practicable,  
503 to incorporate the use of automation and electronic submission  
504 of forms, including those required for child eligibility and  
505 enrollment, provider and class registration, and monthly  
506 certification of attendance for payment. A school district may  
507 use its automated daily attendance reporting system for the  
508 purpose of transmitting attendance records to the early learning  
509 coalition in a mutually agreed-upon format. In addition, actions  
510 shall be taken to reduce paperwork, eliminate the duplication of  
511 reports, and eliminate other duplicative activities. Beginning  
512 with the 2010-2011 ~~2008-2009~~ fiscal year, each early learning  
513 coalition may retain and expend no more than 4.5 ~~4.85~~ percent of  
514 the funds paid by the coalition to private prekindergarten  
515 providers and public schools under paragraph (5) (b). Funds  
516 retained by an early learning coalition under this subsection  
517 may be used only for administering the Voluntary Prekindergarten  
518 Education Program and may not be used for the school readiness  
519 program or other programs.

520 Section 12. Subsections (2), (3), and (4) of section  
521 1003.03, Florida Statutes, are amended to read:

522 1003.03 Maximum class size.—

602-03214B-10

20101368c1

523           (2) IMPLEMENTATION.—The Department of Education shall  
524 annually calculate class size measures defined in subsection (1)  
525 based upon the October student membership survey, except that  
526 the calculation for 2010-2011 shall be based on the February  
527 student membership survey.

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

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

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

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

542           ~~3. For fiscal year 2010-2011 and thereafter, the~~  
543 ~~calculation for compliance shall be at the individual classroom~~  
544 ~~level.~~

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

548           ~~(c) The Department of Education shall annually calculate~~  
549 ~~each of the three average class size measures defined in~~  
550 ~~paragraphs (a) and (b) based upon the October student membership~~  
551 ~~survey. For purposes of determining the baseline from which each~~

602-03214B-10

20101368c1

552 ~~district's average class size must be reduced for the 2003-2004~~  
553 ~~school year, the department shall use data from the February~~  
554 ~~2003 student membership survey updated to include classroom~~  
555 ~~identification numbers as required by the department.~~

556 ~~(d) Prior to the adoption of the district school budget for~~  
557 ~~2004-2005, each district school board shall hold public hearings~~  
558 ~~to review school attendance zones in order to ensure maximum use~~  
559 ~~of facilities while minimizing the additional use of~~  
560 ~~transportation in order to comply with the two-student-per-year~~  
561 ~~reduction required in paragraph (a). School districts that meet~~  
562 ~~the constitutional class size maximums described in subsection~~  
563 ~~(1) are exempt from this requirement.~~

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

569 (a) Adopt policies to encourage qualified students to take  
570 dual enrollment courses.

571 (b) Adopt policies to encourage students to take courses  
572 from the Florida Virtual School and school district virtual  
573 instruction programs.

574 (c)1. Repeal district school board policies that require  
575 students to have more than 24 credits to graduate from high  
576 school.

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

580 (d) Use methods to maximize use of instructional staff,

602-03214B-10

20101368c1

581 such as changing required teaching loads and scheduling of  
582 planning periods, deploying district employees that have  
583 professional certification to the classroom, using adjunct  
584 educators, or any other method not prohibited by law.

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

589 (f) Use joint-use facilities through partnerships with  
590 community colleges, state universities, and private colleges and  
591 universities. Joint-use facilities available for use as K-12  
592 classrooms that do not meet the K-12 State Regulations for  
593 Educational Facilities in the Florida Building Code may be used  
594 at the discretion of the district school board provided that  
595 such facilities meet all other health, life, safety, and fire  
596 codes.

597 (g) Adopt alternative methods of class scheduling, such as  
598 block scheduling.

599 (h) Redraw school attendance zones to maximize use of  
600 facilities while minimizing the additional use of  
601 transportation.

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

605 (j) Use year-round schools and other nontraditional  
606 calendars that do not adversely impact annual assessment of  
607 student achievement.

608 (k) Review and consider amending any collective bargaining  
609 contracts that hinder the implementation of class size

602-03214B-10

20101368c1

610 reduction.

611 (1) Use any other approach not prohibited by law.

612 (4) ACCOUNTABILITY.—

613 ~~(a) 1. Beginning in the 2003-2004 fiscal year, if the~~  
614 ~~department determines for any year that a school district has~~  
615 ~~not reduced average class size as required in subsection (2) at~~  
616 ~~the time of the third FEFP calculation, the department shall~~  
617 ~~calculate an amount from the class size reduction operating~~  
618 ~~categorical which is proportionate to the amount of class size~~  
619 ~~reduction not accomplished. Upon verification of the~~  
620 ~~department's calculation by the Florida Education Finance~~  
621 ~~Program Appropriation Allocation Conference and not later than~~  
622 ~~March 1 of each year, the Executive Office of the Governor shall~~  
623 ~~transfer undistributed funds equivalent to the calculated amount~~  
624 ~~from the district's class size reduction operating categorical~~  
625 ~~to an approved fixed capital outlay appropriation for class size~~  
626 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~  
627 ~~The amount of funds transferred shall be the lesser of the~~  
628 ~~amount verified by the Florida Education Finance Program~~  
629 ~~Appropriation Allocation Conference or the undistributed balance~~  
630 ~~of the district's class size reduction operating categorical.~~

631 ~~2. In lieu of the transfer required by subparagraph 1., the~~  
632 ~~Commissioner of Education may recommend a budget amendment,~~  
633 ~~subject to approval by the Legislative Budget Commission, to~~  
634 ~~transfer an alternative amount of funds from the district's~~  
635 ~~class size reduction operating categorical to its approved fixed~~  
636 ~~capital outlay account for class size reduction if the~~  
637 ~~commissioner finds that the State Board of Education has~~  
638 ~~reviewed evidence indicating that a district has been unable to~~

602-03214B-10

20101368c1

639 ~~meet class size reduction requirements despite appropriate~~  
640 ~~effort to do so. The commissioner's budget amendment must be~~  
641 ~~submitted to the Legislative Budget Commission by February 15 of~~  
642 ~~each year.~~

643 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~  
644 ~~fiscal year funds from a district's class size operating~~  
645 ~~categorical are required to be transferred to its fixed capital~~  
646 ~~outlay fund and the district's class size operating categorical~~  
647 ~~allocation in the General Appropriations Act for that fiscal~~  
648 ~~year has been reduced by a subsequent appropriation, the~~  
649 ~~Commissioner of Education may recommend a 50-percent reduction~~  
650 ~~in the amount of the transfer.~~

651 ~~(a)(b) Beginning in the 2010-2011 fiscal year and each year~~  
652 ~~thereafter, If the department determines that the number of~~  
653 ~~students assigned to any individual class exceed ~~exceeds~~ the~~  
654 ~~class size maximum, as required in subsection (1) ~~(2)~~, at the~~  
655 ~~time of the third FEFP calculation, except in 2010-2011 at the~~  
656 ~~time of the fourth calculation, the department shall:~~

657 1. Identify, for each grade group, the number of classes in  
658 ~~which the enrollment exceeds the maximum, the number of students~~  
659 ~~exceed ~~which exceeds~~ the maximum for each class, and the total~~  
660 ~~number of students that exceed ~~which exceeds~~ the maximum for all~~  
661 ~~classes.~~

662 2. Determine the number of full-time equivalent students  
663 ~~that exceed ~~which exceeds~~ the maximum ~~class size~~ for each grade~~  
664 ~~group.~~

665 3. Multiply the total number of FTE students that exceed  
666 ~~~~which exceeds~~ the maximum ~~class size~~ for each grade group by the~~  
667 ~~district's FTE dollar amount of the class-size-reduction~~

602-03214B-10

20101368c1

668 allocation for that year and calculate the total for all three  
669 grade groups.

670 4. Multiply the total number of FTE students that exceed  
671 the maximum for all classes by the amount of the base student  
672 allocation adjusted by the district's district cost  
673 differential.

674 5.4. Reduce the district's class-size-reduction operating  
675 categorical allocation by an amount equal to the sum of the  
676 calculations calculation in subparagraphs subparagraph 3. and 4.  
677 The commissioner is authorized to withhold the distribution of  
678 class size allocation reduction funds to the extent necessary to  
679 comply with this section.

680 (b)(e) Upon verification of the department's calculation by  
681 the Florida Education Finance Program Appropriation Allocation  
682 Conference and no later than March 1 of each year, the Executive  
683 Office of the Governor shall place these funds in reserve, and  
684 the undistributed funds shall revert to the General Revenue Fund  
685 unallocated at the end of the fiscal year. The amount of funds  
686 reduced shall be the lesser of the amount verified by the  
687 Florida Education Finance Program Appropriation Allocation  
688 Conference or the undistributed balance of the district's class-  
689 size-reduction operating categorical allocation.

690 (c)(d) In lieu of the reduction calculation in paragraph  
691 (a) (b), if the Commissioner of Education has evidence that a  
692 district was unable to meet the class size requirements despite  
693 appropriate efforts to do so or because of an extreme emergency,  
694 he or she may recommend a budget amendment, subject to approval  
695 of the Legislative Budget Commission, to reduce an alternative  
696 amount of funds from the district's class-size-reduction



602-03214B-10

20101368c1

697 operating categorical allocation. The commissioner's budget  
698 amendment must be submitted to the Legislative Budget Commission  
699 by February 15 of each year.

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

702 ~~(e) In addition to the calculation required in paragraph~~  
703 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~  
704 ~~fiscal year, the department shall also prepare a simulated~~  
705 ~~calculation based on the requirements in paragraphs (b) and (c).~~  
706 ~~This simulated calculation shall be provided to the school~~  
707 ~~districts and the Legislature.~~

708 Section 13. Effective upon approval by the electors of  
709 Senate Joint Resolution 2 or House Joint Resolution 7039 in the  
710 2010 General Election and retroactive to the beginning of the  
711 2010-2011 school year, section 1003.03, Florida Statutes, is  
712 amended to read:

713 1003.03 Maximum class size.—

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

717 (a) The average number of students at the school level  
718 assigned to each teacher who is teaching core-curricula courses  
719 in public school classrooms for prekindergarten through grade 3  
720 may not exceed 18 students and the maximum number of students  
721 assigned to a teacher in an individual class may not exceed 21  
722 students.

723 (b) The average number of students at the school level  
724 assigned to each teacher who is teaching core-curricula courses  
725 in public school classrooms for grades 4 through 8 may not

602-03214B-10

20101368c1

726 exceed 22 students and the maximum number of students assigned  
727 to a teacher in an individual class may not exceed 27 students.

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

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

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

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

743 (2) IMPLEMENTATION.—The Department of Education shall  
744 annually calculate class size as defined in subsection (1) based  
745 upon the October student membership survey, except that the  
746 calculation for the 2010-2011 school year shall be based on the  
747 February student membership survey. The calculation for  
748 compliance for each of the three grade groupings shall be the  
749 number of students assigned to each teacher in an individual  
750 class and the average number of students at the school level  
751 assigned to each teacher. Each teacher assigned to any classroom  
752 shall be included in the calculation for compliance.

753 ~~(a) Beginning with the 2003-2004 fiscal year, each school~~  
754 ~~district that is not in compliance with the maximums in~~

602-03214B-10

20101368c1

755 ~~subsection (1) shall reduce the average number of students per~~  
756 ~~classroom in each of the following grade groupings:~~  
757 ~~prekindergarten through grade 3, grade 4 through grade 8, and~~  
758 ~~grade 9 through grade 12, by at least two students each year.~~

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

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

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

767 ~~3. For fiscal year 2010-2011 and thereafter, the~~  
768 ~~calculation for compliance shall be at the individual classroom~~  
769 ~~level.~~

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

773 ~~(c) The Department of Education shall annually calculate~~  
774 ~~each of the three average class size measures defined in~~  
775 ~~paragraphs (a) and (b) based upon the October student membership~~  
776 ~~survey. For purposes of determining the baseline from which each~~  
777 ~~district's average class size must be reduced for the 2003-2004~~  
778 ~~school year, the department shall use data from the February~~  
779 ~~2003 student membership survey updated to include classroom~~  
780 ~~identification numbers as required by the department.~~

781 ~~(d) Prior to the adoption of the district school budget for~~  
782 ~~2004-2005, each district school board shall hold public hearings~~  
783 ~~to review school attendance zones in order to ensure maximum use~~

602-03214B-10

20101368c1

784 ~~of facilities while minimizing the additional use of~~  
785 ~~transportation in order to comply with the two-student-per-year~~  
786 ~~reduction required in paragraph (a). School districts that meet~~  
787 ~~the constitutional class size maximums described in subsection~~  
788 ~~(1) are exempt from this requirement.~~

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

794 (a) Adopt policies to encourage qualified students to take  
795 dual enrollment courses.

796 (b) Adopt policies to encourage students to take courses  
797 from the Florida Virtual School and school district virtual  
798 instruction programs.

799 (c)1. Repeal district school board policies that require  
800 students to have more than 24 credits to graduate from high  
801 school.

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

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

810 (e) Use innovative methods to reduce the cost of school  
811 construction by using prototype school designs, using SMART  
812 Schools designs, participating in the School Infrastructure

602-03214B-10

20101368c1

813 Thrift Program, or any other method not prohibited by law.

814 (f) Use joint-use facilities through partnerships with  
815 community colleges, state universities, and private colleges and  
816 universities. Joint-use facilities available for use as K-12  
817 classrooms that do not meet the K-12 State Regulations for  
818 Educational Facilities in the Florida Building Code may be used  
819 at the discretion of the district school board provided that  
820 such facilities meet all other health, life, safety, and fire  
821 codes.

822 (g) Adopt alternative methods of class scheduling, such as  
823 block scheduling.

824 (h) Redraw school attendance zones to maximize use of  
825 facilities while minimizing the additional use of  
826 transportation.

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

830 (j) Use year-round schools and other nontraditional  
831 calendars that do not adversely impact annual assessment of  
832 student achievement.

833 (k) Review and consider amending any collective bargaining  
834 contracts that hinder the implementation of class size  
835 reduction.

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

837 (4) ACCOUNTABILITY.—

838 (a) If the department determines that the number of  
839 students assigned to any individual class exceeds the classroom  
840 maximum, or if the department determines that the school average  
841 is greater than the school level maximum, the department shall

602-03214B-10

20101368c1

842 identify for each of three grade groups:

843 1. The number of FTE students in an individual classroom  
844 that are greater than the classroom maximum and the number of  
845 FTE students that are greater than the school level average, not  
846 including the number of FTE that are greater than the classroom  
847 maximum.

848 2. Multiply the total number of FTE students as calculated  
849 in subparagraph 1. which exceed the maximum class size for each  
850 grade group by the district's FTE dollar amount of the class-  
851 size-reduction allocation for that year and calculate the total  
852 dollar amount for all three grade groups.

853 3. Multiply the total number of FTE students as calculated  
854 in subparagraph 1. which exceed the maximum by the amount of the  
855 base student allocation adjusted by the district cost  
856 differential.

857 4. Reduce the district's class-size-reduction operating  
858 categorical allocation by an amount equal to the sum of the  
859 calculations in subparagraphs 2. and 3. The commissioner is  
860 authorized to withhold the distribution of class size reduction  
861 allocation funds to the extent necessary to comply with this  
862 section.

863 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~  
864 ~~department determines for any year that a school district has~~  
865 ~~not reduced average class size as required in subsection (2) at~~  
866 ~~the time of the third FEFP calculation, the department shall~~  
867 ~~calculate an amount from the class size reduction operating~~  
868 ~~categorical which is proportionate to the amount of class size~~  
869 ~~reduction not accomplished. Upon verification of the~~  
870 ~~department's calculation by the Florida Education Finance~~

602-03214B-10

20101368c1

871 ~~Program Appropriation Allocation Conference and not later than~~  
872 ~~March 1 of each year, the Executive Office of the Governor shall~~  
873 ~~transfer undistributed funds equivalent to the calculated amount~~  
874 ~~from the district's class size reduction operating categorical~~  
875 ~~to an approved fixed capital outlay appropriation for class size~~  
876 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~  
877 ~~The amount of funds transferred shall be the lesser of the~~  
878 ~~amount verified by the Florida Education Finance Program~~  
879 ~~Appropriation Allocation Conference or the undistributed balance~~  
880 ~~of the district's class size reduction operating categorical.~~

881 ~~2. In lieu of the transfer required by subparagraph 1., the~~  
882 ~~Commissioner of Education may recommend a budget amendment,~~  
883 ~~subject to approval by the Legislative Budget Commission, to~~  
884 ~~transfer an alternative amount of funds from the district's~~  
885 ~~class size reduction operating categorical to its approved fixed~~  
886 ~~capital outlay account for class size reduction if the~~  
887 ~~commissioner finds that the State Board of Education has~~  
888 ~~reviewed evidence indicating that a district has been unable to~~  
889 ~~meet class size reduction requirements despite appropriate~~  
890 ~~effort to do so. The commissioner's budget amendment must be~~  
891 ~~submitted to the Legislative Budget Commission by February 15 of~~  
892 ~~each year.~~

893 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~  
894 ~~fiscal year funds from a district's class size operating~~  
895 ~~categorical are required to be transferred to its fixed capital~~  
896 ~~outlay fund and the district's class size operating categorical~~  
897 ~~allocation in the General Appropriations Act for that fiscal~~  
898 ~~year has been reduced by a subsequent appropriation, the~~  
899 ~~Commissioner of Education may recommend a 50 percent reduction~~

602-03214B-10

20101368c1

900 ~~in the amount of the transfer.~~

901 ~~(b)-(e)~~ Upon verification of the department's calculation by  
902 the Florida Education Finance Program Appropriation Allocation  
903 Conference and no later than March 1 of each year, the Executive  
904 Office of the Governor shall place these funds in reserve, and  
905 the undistributed funds shall revert to the General Revenue Fund  
906 unallocated at the end of the fiscal year. The amount of funds  
907 reduced shall be the lesser of the amount verified by the  
908 Florida Education Finance Program Appropriation Allocation  
909 Conference or the undistributed balance of the district's class-  
910 size-reduction operating categorical allocation.

911 ~~(c)-(d)~~ In lieu of the reduction calculation in paragraph  
912 (a) (b), if the Commissioner of Education has evidence that a  
913 district has been unable to meet the class size requirements  
914 despite appropriate efforts to do so or because of an extreme  
915 emergency, he or she may recommend a budget amendment, subject  
916 to approval of the Legislative Budget Commission, to reduce an  
917 alternative amount of funds from the district's class-size-  
918 reduction operating categorical allocation. The commissioner's  
919 budget amendment must be submitted to the Legislative Budget  
920 Commission by February 15 of each year.

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

923 ~~(e) In addition to the calculation required in paragraph~~  
924 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~  
925 ~~fiscal year, the department shall also prepare a simulated~~  
926 ~~calculation based on the requirements in paragraphs (b) and (c).~~  
927 ~~This simulated calculation shall be provided to the school~~  
928 ~~districts and the Legislature.~~



602-03214B-10

20101368c1

929 (5) TEAM-TEACHING STRATEGIES.—

930 (a) School districts may use teaching strategies that  
931 include the assignment of more than one teacher to a classroom  
932 of students and that were implemented before July 1, 2005.  
933 Effective July 1, 2005, school districts may implement  
934 additional teaching strategies that include the assignment of  
935 more than one teacher to a classroom of students for the  
936 following purposes only:

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

938 2. Pairing new teachers with veteran teachers.

939 3. Reducing turnover among new teachers.

940 4. Pairing teachers who are teaching out-of-field with  
941 teachers who are in-field.

942 5. Providing for more flexibility and innovation in the  
943 classroom.

944 6. Improving learning opportunities for students, including  
945 students who have disabilities.

946 (b) Teaching strategies, including team teaching, co-  
947 teaching, or inclusion teaching, implemented on or after July 1,  
948 2005, pursuant to paragraph (a) may be implemented subject to  
949 the following restrictions:

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

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

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

956 3. At least one member of the team must be teaching in-  
957 field.

602-03214B-10

20101368c1

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

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

961 1. "Team teaching" or "co-teaching" means two or more  
962 teachers are assigned to a group of students and each teacher is  
963 responsible for all of the students during the entire class  
964 period. In order to be considered team teaching or co-teaching,  
965 each teacher is responsible for planning, delivering, and  
966 evaluating instruction for all students in the class or subject  
967 for the entire class period.

968 2. "Inclusion teaching" means two or more teachers are  
969 assigned to a group of students, but one of the teachers is  
970 responsible for only one student or a small group of students in  
971 the classroom.

972

973 The use of strategies implemented as outlined in this subsection  
974 meets the letter and intent of the Florida Constitution and the  
975 Florida Statutes which relate to implementing class size  
976 reduction, and this subsection applies retroactively. A school  
977 district may not be penalized financially or otherwise as a  
978 result of the use of any legal strategy, including, but not  
979 limited to, those set forth in subsection (3) and this  
980 subsection.

981 Section 14. Subsection (2) of section 1003.492, Florida  
982 Statutes, is amended to read:

983 1003.492 Industry-certified career education programs.—

984 (2) The State Board of Education shall use the expertise of  
985 Workforce Florida, Inc., and Enterprise Florida, Inc., to  
986 develop and adopt rules pursuant to ss. 120.536(1) and 120.54

602-03214B-10

20101368c1

987 for implementing an industry certification process. Industry  
988 certification shall be defined by the Agency for Workforce  
989 Innovation, based upon the highest available national standards  
990 for specific industry certification, to ensure student skill  
991 proficiency and to address emerging labor market and industry  
992 trends. A regional workforce board or a career and professional  
993 academy may apply to Workforce Florida, Inc., to request  
994 additions to the approved list of industry certifications based  
995 on high-demand job requirements in the regional economy. The  
996 list of industry certifications approved by Workforce Florida,  
997 Inc., and the Department of Education shall be published and  
998 updated annually by a date certain, to be included in the  
999 adopted rule.

1000 Section 15. Subsection (1) of section 1006.28, Florida  
1001 Statutes, is amended to read:

1002 1006.28 Duties of district school board, district school  
1003 superintendent; and school principal regarding K-12  
1004 instructional materials.—

1005 (1) DISTRICT SCHOOL BOARD.—The district school board has  
1006 the duty to provide adequate instructional materials for all  
1007 students in accordance with the requirements of this part. The  
1008 term "adequate instructional materials" means a sufficient  
1009 number of textbooks or sets of materials that are available in  
1010 bound, unbound, kit, or package form and may consist of hard-  
1011 backed or soft-backed textbooks, electronic content,  
1012 consumables, learning laboratories, manipulatives, electronic  
1013 media, and computer courseware or software that serve as the  
1014 basis for instruction for each student in the core courses of  
1015 mathematics, language arts, social studies, science, reading,

602-03214B-10

20101368c1

1016 and literature, except for instruction for which the school  
1017 advisory council approves the use of a program that does not  
1018 include a textbook as a major tool of instruction. The district  
1019 school board has the following specific duties:

1020 (a) *Courses of study; adoption.*—Adopt courses of study for  
1021 use in the schools of the district.

1022 (b) *Textbooks.*—Provide for proper requisitioning,  
1023 distribution, accounting, storage, care, and use of all  
1024 instructional materials furnished by the state and furnish such  
1025 other instructional materials as may be needed. The district  
1026 school board shall assure that instructional materials used in  
1027 the district are consistent with the district goals and  
1028 objectives and the curriculum frameworks adopted by rule of the  
1029 State Board of Education, as well as with the state and district  
1030 performance standards provided for in s. 1001.03(1).

1031 (c) *Other instructional materials.*—Provide such other  
1032 teaching accessories and aids as are needed for the school  
1033 district's educational program.

1034 (d) *School library media services; establishment and*  
1035 *maintenance.*—Establish and maintain a program of school library  
1036 media services for all public schools in the district, including  
1037 school library media centers, or school library media centers  
1038 open to the public, and, in addition such traveling or  
1039 circulating libraries as may be needed for the proper operation  
1040 of the district school system.

1041 Section 16. Section 1006.281, Florida Statutes, is created  
1042 to read:

1043 1006.281 Learning management systems.—

1044 (1) To ensure that all school districts have equitable

602-03214B-10

20101368c1

1045 access to digitally rich instructional materials, districts are  
1046 encouraged to provide access to an electronic learning  
1047 management system that allows teachers, students, and parents to  
1048 access, organize, and use electronically available instructional  
1049 materials and teaching and learning tools and resources, and  
1050 that enables teachers to manage, assess, and track student  
1051 learning.

1052 (2) To the extent fiscally and technologically feasible, a  
1053 school district's electronic learning management system should  
1054 allow for a single, authenticated sign-on and include the  
1055 following functionality:

1056 (a) Vertically searches for, gathers, and organizes  
1057 specific standards-based instructional materials.

1058 (b) Enables teachers to prepare lessons, individualize  
1059 student instruction, and use best practices in providing  
1060 instruction.

1061 (c) Provides communication, including access to up-to-date  
1062 student performance data, in order to help teachers and parents  
1063 better serve the needs of students.

1064 (d) Provides access for administrators to ensure quality of  
1065 instruction within every classroom.

1066 (e) Provides access to multiple content providers.

1067 (3) The Department of Education shall provide assistance as  
1068 requested by school districts in their deployment of a district  
1069 electronic learning management system.

1070 Section 17. Subsection (4) of section 1006.29, Florida  
1071 Statutes, is amended to read:

1072 1006.29 State instructional materials committees.—

1073 (4) For purposes of state adoption, "instructional

602-03214B-10

20101368c1

1074 materials" means items having intellectual content that by  
1075 design serve as a major tool for assisting in the instruction of  
1076 a subject or course. These items may be available in bound,  
1077 unbound, kit, or package form and may consist of hardbacked or  
1078 softbacked textbooks, electronic content, consumables, learning  
1079 laboratories, manipulatives, electronic media, and computer  
1080 courseware or software. The term does not include electronic or  
1081 computer hardware even if such hardware is bundled with software  
1082 or other electronic media, nor does it include equipment or  
1083 supplies. A publisher or manufacturer providing instructional  
1084 materials as a single bundle shall also make the instructional  
1085 materials available as separate and unbundled items, each priced  
1086 individually. Any instructional materials adopted after 2012-  
1087 2013 for students in grades 9 through 12 shall be provided  
1088 primarily in an electronic format.

1089 Section 18. Paragraph (b) of subsection (1) of section  
1090 1006.33, Florida Statutes, is amended to read:

1091 1006.33 Bids or proposals; advertisement and its contents.-

1092 (1)

1093 (b) The advertisement shall state that, beginning in 2010-  
1094 2011, each bidder shall furnish electronic specimen copies of  
1095 all instructional materials submitted, at a time designated by  
1096 the department, which specimen copies shall be identical with  
1097 the copies approved and accepted by the members of the state  
1098 instructional materials committee, as prescribed in this  
1099 section, and with the copies furnished to the department and  
1100 district school superintendents, as provided in this part. Any  
1101 district school superintendent who requires samples in addition  
1102 to the electronic format must request those samples through the

602-03214B-10

20101368c1

1103 department.

1104 Section 19. Paragraph (a) of subsection (3) and subsection  
1105 (4) of section 1006.40, Florida Statutes, are amended to read:

1106 (3) (a) Each district school board shall use the annual  
1107 allocation for the purchase of instructional materials included  
1108 on the state-adopted list, except as otherwise authorized in  
1109 paragraphs (b) and (c). No less than 50 percent of the annual  
1110 allocation shall be used to purchase items which will be used to  
1111 provide instruction to students at the level or levels for which  
1112 the materials are designed. Beginning with the 2012-2013 fiscal  
1113 year, not less than 10 percent of the annual allocation shall be  
1114 used to purchase items for which the major tool of instruction  
1115 is used electronically.

1116 (4) The funds described in subsection (3) which district  
1117 school boards may use to purchase materials not on the state-  
1118 adopted list shall be used for the purchase of instructional  
1119 materials or other items having intellectual content which  
1120 assist in the instruction of a subject or course. These items  
1121 may be available in bound, unbound, kit, or package form and may  
1122 consist of hardbacked or softbacked textbooks, electronic  
1123 content, replacements for items which were part of previously  
1124 purchased instructional materials, consumables, learning  
1125 laboratories, manipulatives, electronic media, computer  
1126 courseware or software, and other commonly accepted  
1127 instructional tools as prescribed by district school board rule.  
1128 The funds available to district school boards for the purchase  
1129 of materials not on the state-adopted list may not be used to  
1130 purchase ~~electronic or computer~~ hardware even if such hardware  
1131 is bundled with software or other electronic media, nor may such

602-03214B-10

20101368c1

1132 funds be used to purchase equipment or supplies. However, when  
1133 authorized to do so in the General Appropriations Act, a school  
1134 or district school board may use a portion of the funds  
1135 available to it for the purchase of materials not on the state-  
1136 adopted list to purchase science laboratory materials and  
1137 supplies.

1138 Section 20. Subsection (1) of section 1007.27, Florida  
1139 Statutes, is amended to read:

1140 1007.27 Articulated acceleration mechanisms.—

1141 (1) It is the intent of the Legislature that a variety of  
1142 articulated acceleration mechanisms be available for secondary  
1143 and postsecondary students attending public educational  
1144 institutions. It is intended that articulated acceleration serve  
1145 to shorten the time necessary for a student to complete the  
1146 requirements associated with the conference of a high school  
1147 diploma and a postsecondary degree, broaden the scope of  
1148 curricular options available to students, or increase the depth  
1149 of study available for a particular subject. Articulated  
1150 acceleration mechanisms shall include, but not be limited to,  
1151 dual enrollment as provided for in s. 1007.271, early admission,  
1152 advanced placement, credit by examination, the International  
1153 Baccalaureate Program, and the Advanced International  
1154 Certificate of Education Program. Credit earned through the  
1155 Florida Virtual School shall provide additional opportunities  
1156 for early graduation and acceleration. Students of Florida  
1157 public secondary schools enrolled pursuant to this subsection  
1158 shall be deemed authorized users of the state-funded electronic  
1159 library resources that are licensed for public colleges and  
1160 universities by the Florida Center for Library Automation and



602-03214B-10

20101368c1

1161 the College Center for Library Automation. Verification of  
1162 eligibility shall be in accordance with rules established by the  
1163 State Board of Education and the Board of Governors and  
1164 processes implemented by public colleges and universities.

1165 Section 21. Paragraph (c) of subsection (3) of section  
1166 1008.34, Florida Statutes, is amended to read:

1167 1008.34 School grading system; school report cards;  
1168 district grade.—

1169 (3) DESIGNATION OF SCHOOL GRADES.—

1170 (c) Student assessment data used in determining school  
1171 grades shall include:

1172 1. The aggregate scores of all eligible students enrolled  
1173 in the school who have been assessed on the FCAT.

1174 2. The aggregate scores of all eligible students enrolled  
1175 in the school who have been assessed on the FCAT and who have  
1176 scored at or in the lowest 25th percentile of students in the  
1177 school in reading, mathematics, or writing, unless these  
1178 students are exhibiting satisfactory performance.

1179 3. Effective with the 2005-2006 school year, the  
1180 achievement scores and learning gains of eligible students  
1181 attending alternative schools that provide dropout prevention  
1182 and academic intervention services pursuant to s. 1003.53. The  
1183 term "eligible students" in this subparagraph does not include  
1184 students attending an alternative school who are subject to  
1185 district school board policies for expulsion for repeated or  
1186 serious offenses, who are in dropout retrieval programs serving  
1187 students who have officially been designated as dropouts, or who  
1188 are in programs operated or contracted by the Department of  
1189 Juvenile Justice. The student performance data for eligible

602-03214B-10

20101368c1

1190 students identified in this subparagraph shall be included in  
1191 the calculation of the home school's grade. As used in this  
1192 section and s. 1008.341, the term "home school" means the school  
1193 to which the student would be assigned if the student were not  
1194 assigned to an alternative school. If an alternative school  
1195 chooses to be graded under this section, student performance  
1196 data for eligible students identified in this subparagraph shall  
1197 not be included in the home school's grade but shall be included  
1198 only in the calculation of the alternative school's grade. A  
1199 school district that fails to assign the FCAT scores of each of  
1200 its students to his or her home school or to the alternative  
1201 school that receives a grade shall forfeit Florida School  
1202 Recognition Program funds for 1 fiscal year. School districts  
1203 must require collaboration between the home school and the  
1204 alternative school in order to promote student success. This  
1205 collaboration must include an annual discussion between the  
1206 principal of the alternative school and the principal of each  
1207 student's home school concerning the most appropriate school  
1208 assignment of the student.

1209 4. Beginning with the 2009-2010 school year for schools  
1210 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
1211 11, and 12, the data listed in subparagraphs 1.-3. and the  
1212 following data as the Department of Education determines such  
1213 data are valid and available:

1214 a. The high school graduation rate of the school as  
1215 calculated by the Department of Education;

1216 b. The successful completion ~~participation~~ rate of all  
1217 eligible students enrolled in the school and enrolled in College  
1218 Board Advanced Placement courses; International Baccalaureate

602-03214B-10

20101368c1

1219 courses; dual enrollment courses; Advanced International  
1220 Certificate of Education courses; and courses or sequence of  
1221 courses leading to industry certification, as determined by the  
1222 Agency for Workforce Innovation under s. 1003.492(2) in a career  
1223 and professional academy, as described in s. 1003.493;

1224 c. The aggregate scores of all eligible students enrolled  
1225 in the school in College Board Advanced Placement courses,  
1226 International Baccalaureate courses, and Advanced International  
1227 Certificate of Education courses;

1228 d. Earning of college credit by all eligible students  
1229 enrolled in the school in dual enrollment programs under s.  
1230 1007.271;

1231 e. Earning of an industry certification, as determined by  
1232 the Agency for Workforce Innovation under s. 1003.492(2) in a  
1233 career and professional academy, as described in s. 1003.493;

1234 f. The aggregate scores of all eligible students enrolled  
1235 in the school in reading, mathematics, and other subjects as  
1236 measured by the SAT, the ACT, and the common placement test for  
1237 postsecondary readiness;

1238 g. The high school graduation rate of all eligible at-risk  
1239 students enrolled in the school who scored at Level 2 or lower  
1240 on the grade 8 FCAT Reading and Mathematics examinations;

1241 h. The performance of the school's students on statewide  
1242 standardized end-of-course assessments administered under s.  
1243 1008.22; and

1244 i. The growth or decline in the data components listed in  
1245 sub-subparagraphs a.-h. from year to year.

1246  
1247 The State Board of Education shall adopt appropriate criteria

602-03214B-10

20101368c1

1248 for each school grade. The criteria must also give added weight  
1249 to student achievement in reading. Schools designated with a  
1250 grade of "C," making satisfactory progress, shall be required to  
1251 demonstrate that adequate progress has been made by students in  
1252 the school who are in the lowest 25th percentile in reading,  
1253 mathematics, or writing on the FCAT, unless these students are  
1254 exhibiting satisfactory performance. Beginning with the 2009-  
1255 2010 school year for schools comprised of high school grades 9,  
1256 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
1257 school grades must also give added weight to the graduation rate  
1258 of all eligible at-risk students, as defined in this paragraph.  
1259 Beginning in the 2009-2010 school year, in order for a high  
1260 school to be designated as having a grade of "A," making  
1261 excellent progress, the school must demonstrate that at-risk  
1262 students, as defined in this paragraph, in the school are making  
1263 adequate progress.

1264 Section 22. Section 1011.03, Florida Statutes, is amended  
1265 to read:

1266 1011.03 Public hearings; budget to be submitted to  
1267 Department of Education.—

1268 (1) Each district school board must cause a summary of its  
1269 tentative budget, including the proposed millage levies as  
1270 provided for by law, ~~and graphs illustrating a historical~~  
1271 ~~summary of financial and demographic data,~~ to be posted online  
1272 and advertised at least one time as a full-page advertisement in  
1273 a the newspaper of general with the largest circulation  
1274 published in the district or to be posted at the courthouse ~~deor~~  
1275 if there be no such newspaper.

1276 ~~(2) (a) The advertisement must include a graph illustrating~~

602-03214B-10

20101368c1

1277 ~~the historical summary of financial and demographic data for~~  
1278 ~~each of the following data values which shall be plotted along~~  
1279 ~~the vertical axis of each graph:~~

1280 ~~1. Total revenue provided to the school district from all~~  
1281 ~~sources for the corresponding fiscal year, including all~~  
1282 ~~federal, state, and local revenue.~~

1283 ~~2. Total revenue provided to the school district for the~~  
1284 ~~corresponding fiscal year for current operations.~~

1285 ~~3. Total revenue provided to the school district for the~~  
1286 ~~corresponding fiscal year for fixed capital outlay projects.~~

1287 ~~4. Total revenue provided to the school district for the~~  
1288 ~~corresponding fiscal year for debt service.~~

1289 ~~5. Total number of unweighted full-time equivalent~~  
1290 ~~students, inclusive of all programs listed in s. 1011.62.~~

1291 ~~6. Total revenue provided to the school district for~~  
1292 ~~current operations divided by the number of unweighted full-time~~  
1293 ~~equivalent students for the corresponding fiscal year.~~

1294 ~~7. Total number of employees of the school district for the~~  
1295 ~~corresponding fiscal year.~~

1296 ~~8. Total number of employees of the school district~~  
1297 ~~classified as instructional personnel under s. 1012.01 for the~~  
1298 ~~corresponding fiscal year.~~

1299 ~~(b) Each graph must include a separate histogram~~  
1300 ~~corresponding to the financial and demographic data for each of~~  
1301 ~~the following fiscal years, which shall be plotted along the~~  
1302 ~~horizontal axis of each graph:~~

1303 ~~1. Current fiscal year.~~

1304 ~~2. Fiscal year that is 5 years before the current fiscal~~  
1305 ~~year.~~

602-03214B-10

20101368c1

1306 ~~3. Fiscal year that is 10 years before the current fiscal~~  
1307 ~~year.~~

1308 ~~(c) The numeric value of the financial and demographic data~~  
1309 ~~corresponding to each histogram must be included in each graph.~~

1310 (2)~~(3)~~ The advertisement of a district that has been  
1311 required by the Legislature to increase classroom expenditures  
1312 pursuant to s. 1011.64 must include the following statement:  
1313

1314 "This proposed budget reflects an increase in classroom  
1315 expenditures as a percent of total current operating  
1316 expenditures of XX percent over the (previous fiscal year)  
1317 fiscal year. This increase in classroom expenditures is required  
1318 by the Legislature because the district has performed below the  
1319 required performance standard on XX of XX student performance  
1320 standards for the (previous school year) school year. In order  
1321 to achieve the legislatively required level of classroom  
1322 expenditures as a percentage of total operating expenditures,  
1323 the proposed budget includes an increase in overall classroom  
1324 expenditures of \$XX,XXX,XXX above the amount spent for this same  
1325 purpose during the (previous fiscal year) fiscal year. In order  
1326 to achieve improved student academic performance, this proposed  
1327 increase is being budgeted for the following activities:  
1328 ... (list activities and amount budgeted) ...."

1329 (3)~~(4)~~ The advertisement shall appear adjacent to the  
1330 advertisement required pursuant to s. 200.065. The State Board  
1331 of Education may adopt rules necessary to provide specific  
1332 requirements for the format of the advertisement.

1333 (4)~~(5)~~ The board shall hold public hearings to adopt  
1334 tentative and final budgets pursuant to s. 200.065. The hearings

602-03214B-10

20101368c1

1335 shall be primarily for the purpose of hearing requests and  
1336 complaints from the public regarding the budgets and the  
1337 proposed tax levies and for explaining the budget and proposed  
1338 or adopted amendments thereto, if any. The district school board  
1339 shall then require the superintendent to transmit forthwith two  
1340 copies of the adopted budget to the Department of Education for  
1341 approval as prescribed by law and rules of the State Board of  
1342 Education.

1343 Section 23. Subsection (2) of section 1011.60, Florida  
1344 Statutes, is amended to read:

1345 1011.60 Minimum requirements of the Florida Education  
1346 Finance Program.—Each district which participates in the state  
1347 appropriations for the Florida Education Finance Program shall  
1348 provide evidence of its effort to maintain an adequate school  
1349 program throughout the district and shall meet at least the  
1350 following requirements:

1351 (2) MINIMUM TERM.—Operate all schools for a term of 180  
1352 actual teaching days or the equivalent on an hourly basis ~~as~~  
1353 ~~specified by rules of the State Board of Education~~ each school  
1354 year. The State Board of Education may prescribe procedures for  
1355 altering, and, upon written application, may alter, this  
1356 requirement during a national, state, or local emergency as it  
1357 may apply to an individual school or schools in any district or  
1358 districts if, in the opinion of the board, it is not feasible to  
1359 make up lost days or hours, and the apportionment may, at the  
1360 discretion of the Commissioner of Education and if the board  
1361 determines that the reduction of school days or hours is caused  
1362 by the existence of a bona fide emergency, be reduced for such  
1363 district or districts in proportion to the decrease in the

602-03214B-10

20101368c1

1364 length of term in any such school or schools. A strike, as  
1365 defined in s. 447.203(6), by employees of the school district  
1366 may not be considered an emergency.

1367 Section 24. Paragraphs (m), (n), (o), (p), and (q) of  
1368 subsection (1), paragraph (b) of subsection (6), paragraph (d)  
1369 of subsection (7), and paragraph (a) of subsection (12) of  
1370 section 1011.62, Florida Statutes, are amended to read:

1371 1011.62 Funds for operation of schools.—If the annual  
1372 allocation from the Florida Education Finance Program to each  
1373 district for operation of schools is not determined in the  
1374 annual appropriations act or the substantive bill implementing  
1375 the annual appropriations act, it shall be determined as  
1376 follows:

1377 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1378 OPERATION.—The following procedure shall be followed in  
1379 determining the annual allocation to each district for  
1380 operation:

1381 (m) *Calculation of additional full-time equivalent*  
1382 *membership based on international baccalaureate examination*  
1383 *scores of students.*—A value of 0.1 ~~0.16~~ full-time equivalent  
1384 student membership shall be calculated for each student enrolled  
1385 in an international baccalaureate course who receives a score of  
1386 4 or higher on a subject examination. A value of 0.3 full-time  
1387 equivalent student membership shall be calculated for each  
1388 student who receives an international baccalaureate diploma.  
1389 Such value shall be added to the total full-time equivalent  
1390 student membership in basic programs for grades 9 through 12 in  
1391 the subsequent fiscal year. The school district shall distribute  
1392 to each classroom teacher who provided international



602-03214B-10

20101368c1

1393 baccalaureate instruction:

1394 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught  
1395 by the International Baccalaureate teacher in each international  
1396 baccalaureate course who receives a score of 4 or higher on the  
1397 international baccalaureate examination.

1398 2. An additional bonus of \$250 ~~\$500~~ to each International  
1399 Baccalaureate teacher in a school designated with a grade of "D"  
1400 or "F" who has at least one student scoring 4 or higher on the  
1401 international baccalaureate examination, regardless of the  
1402 number of classes taught or of the number of students scoring a  
1403 4 or higher on the international baccalaureate examination.

1404  
1405 Bonuses awarded to a teacher according to this paragraph shall  
1406 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be  
1407 in addition to any regular wage or other bonus the teacher  
1408 received or is scheduled to receive.

1409 (n) *Calculation of additional full-time equivalent*  
1410 *membership based on Advanced International Certificate of*  
1411 *Education examination scores of students.*—A value of 0.1 ~~0.16~~  
1412 full-time equivalent student membership shall be calculated for  
1413 each student enrolled in a full-credit Advanced International  
1414 Certificate of Education course who receives a score of E or  
1415 higher on a subject examination. A value of 0.05 ~~0.08~~ full-time  
1416 equivalent student membership shall be calculated for each  
1417 student enrolled in a half-credit Advanced International  
1418 Certificate of Education course who receives a score of E or  
1419 higher on a subject examination. A value of 0.3 full-time  
1420 equivalent student membership shall be calculated for each  
1421 student who receives an Advanced International Certificate of

602-03214B-10

20101368c1

1422 Education diploma. Such value shall be added to the total full-  
1423 time equivalent student membership in basic programs for grades  
1424 9 through 12 in the subsequent fiscal year. The school district  
1425 shall distribute to each classroom teacher who provided Advanced  
1426 International Certificate of Education instruction:

1427 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught  
1428 by the Advanced International Certificate of Education teacher  
1429 in each full-credit Advanced International Certificate of  
1430 Education course who receives a score of E or higher on the  
1431 Advanced International Certificate of Education examination. A  
1432 bonus in the amount of \$12.50 ~~\$25~~ for each student taught by the  
1433 Advanced International Certificate of Education teacher in each  
1434 half-credit Advanced International Certificate of Education  
1435 course who receives a score of E or higher on the Advanced  
1436 International Certificate of Education examination.

1437 2. An additional bonus of \$250 ~~\$500~~ to each Advanced  
1438 International Certificate of Education teacher in a school  
1439 designated with a grade of "D" or "F" who has at least one  
1440 student scoring E or higher on the full-credit Advanced  
1441 International Certificate of Education examination, regardless  
1442 of the number of classes taught or of the number of students  
1443 scoring an E or higher on the full-credit Advanced International  
1444 Certificate of Education examination.

1445 3. Additional bonuses of \$125 ~~\$250~~ each to teachers of  
1446 half-credit Advanced International Certificate of Education  
1447 classes in a school designated with a grade of "D" or "F" which  
1448 has at least one student scoring an E or higher on the half-  
1449 credit Advanced International Certificate of Education  
1450 examination in that class. The maximum additional bonus for a

602-03214B-10

20101368c1

1451 teacher awarded in accordance with this subparagraph shall not  
1452 exceed \$250 ~~\$500~~ in any given school year. Teachers receiving an  
1453 award under subparagraph 2. are not eligible for a bonus under  
1454 this subparagraph.

1455  
1456 Bonuses awarded to a teacher according to this paragraph shall  
1457 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be  
1458 in addition to any regular wage or other bonus the teacher  
1459 received or is scheduled to receive.

1460 (o) *Calculation of additional full-time equivalent*  
1461 *membership based on college board advanced placement scores of*  
1462 *students.*—A value of 0.1 ~~0.16~~ full-time equivalent student  
1463 membership shall be calculated for each student in each advanced  
1464 placement course who receives a score of 3 or higher on the  
1465 College Board Advanced Placement Examination for the prior year  
1466 and added to the total full-time equivalent student membership  
1467 in basic programs for grades 9 through 12 in the subsequent  
1468 fiscal year. A student who receives a score of 3 or higher and  
1469 did not take the advanced placement course is not eligible for  
1470 the 0.1 FTE membership. Each district must allocate at least 80  
1471 percent of the funds provided to the district for advanced  
1472 placement instruction, in accordance with this paragraph, to the  
1473 high school that generates the funds. The school district shall  
1474 distribute to each classroom teacher who provided advanced  
1475 placement instruction:

1476 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught  
1477 by the Advanced Placement teacher in each advanced placement  
1478 course who receives a score of 3 or higher on the College Board  
1479 Advanced Placement Examination.

602-03214B-10

20101368c1

1480           2. An additional bonus of \$250 ~~\$500~~ to each Advanced  
1481 Placement teacher in a school designated with a grade of "D" or  
1482 "F" who has at least one student scoring 3 or higher on the  
1483 College Board Advanced Placement Examination, regardless of the  
1484 number of classes taught or of the number of students scoring a  
1485 3 or higher on the College Board Advanced Placement Examination.

1486  
1487 Bonuses awarded to a teacher according to this paragraph shall  
1488 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be  
1489 in addition to any regular wage or other bonus the teacher  
1490 received or is scheduled to receive.

1491           (p) *Calculation of additional full-time equivalent*  
1492 *membership based on certification of successful completion of*  
1493 *industry-certified career and professional academy programs*  
1494 *pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified*  
1495 *in the Industry Certified Funding List pursuant to rules adopted*  
1496 *by the State Board of Education.*—A value of 0.3 full-time  
1497 equivalent student membership shall be calculated for each  
1498 student who completes an industry-certified career and  
1499 professional academy program under ss. 1003.491, 1003.492, and  
1500 1003.493 and who is issued the highest level of industry  
1501 certification identified annually in the Industry Certification  
1502 Funding List approved under rules adopted by the State Board of  
1503 Education and a high school diploma. Such value shall be added  
1504 to the total full-time equivalent student membership in  
1505 secondary career education programs for grades 9 through 12 in  
1506 the subsequent year for courses that were not funded through  
1507 dual enrollment. The additional full-time equivalent membership  
1508 authorized under this paragraph may not exceed 0.3 per student.

602-03214B-10

20101368c1

1509 Each district must allocate at least 80 percent of the funds  
1510 provided for industry certification, in accordance with this  
1511 paragraph, to the program that generated the funds. Unless a  
1512 different amount is specified in the General Appropriations Act,  
1513 the appropriation for this calculation is limited to \$15 million  
1514 annually. If the appropriation is insufficient to fully fund the  
1515 total calculation, the appropriation shall be prorated.

1516 ~~(q) Calculation of additional full-time equivalent~~  
1517 ~~membership for the Florida Virtual School. The reported full-~~  
1518 ~~time equivalent student membership for the Florida Virtual~~  
1519 ~~School for students who are also enrolled in a school district~~  
1520 ~~shall be multiplied by 0.114, and such value shall be added to~~  
1521 ~~the total full-time equivalent student membership.~~

1522 (6) CATEGORICAL FUNDS.—

1523 (b) If a district school board finds and declares in a  
1524 resolution adopted at a regular meeting of the school board that  
1525 the funds received for any of the following categorical  
1526 appropriations are urgently needed to maintain school board  
1527 specified academic classroom instruction, the school board may  
1528 consider and approve an amendment to the school district  
1529 operating budget transferring the identified amount of the  
1530 categorical funds to the appropriate account for expenditure:

- 1531 1. Funds for student transportation.
- 1532 2. Funds for safe schools.
- 1533 3. Funds for supplemental academic instruction.
- 1534 4. Funds for research-based reading instruction.
- 1535 5. Funds for instructional materials if all instructional  
1536 material purchases necessary to provide updated materials  
1537 aligned to Next Generation Sunshine State Standards and

602-03214B-10

20101368c1

1538 benchmarks and that meet statutory requirements of content and  
1539 learning have been completed for that fiscal year, but no sooner  
1540 than March 1, 2011 ~~2010~~. Funds available after March 1 may be  
1541 used to purchase hardware used to provide student instruction.

1542 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1543 (d) Each district's allocation of sparsity supplement funds  
1544 shall be adjusted in the following manner:

1545 1. A maximum discretionary levy per FTE value for each  
1546 district shall be calculated by dividing the value of each  
1547 district's maximum discretionary levy by its FTE student count.

1548 2. A state average discretionary levy value per FTE shall  
1549 be calculated by dividing the total maximum discretionary levy  
1550 value for all districts by the state total FTE student count.

1551 3. A total potential funds per FTE for each district shall  
1552 be calculated by dividing the total potential funds, not  
1553 including Florida School Recognition Program funds, Merit Award  
1554 Program funds, and the minimum guarantee funds, for each  
1555 district by its FTE student count.

1556 4. A state average total potential funds per FTE shall be  
1557 calculated by dividing the total potential funds, not including  
1558 Florida School Recognition Program funds, Merit Award Program  
1559 funds, and the minimum guarantee funds, for all districts by the  
1560 state total FTE student count.

1561 5. For districts that have a levy value per FTE as  
1562 calculated in subparagraph 1. higher than the state average  
1563 calculated in subparagraph 2., a sparsity wealth adjustment  
1564 shall be calculated as the product of the difference between the  
1565 state average levy value per FTE calculated in subparagraph 2.  
1566 and the district's levy value per FTE calculated in subparagraph

602-03214B-10

20101368c1

1567 1. and the district's FTE student count and -1. However, no  
1568 district shall have a sparsity wealth adjustment that, when  
1569 applied to the total potential funds calculated in subparagraph  
1570 3., would cause the district's total potential funds per FTE to  
1571 be less than the state average calculated in subparagraph 4.

1572 6. Each district's sparsity supplement allocation shall be  
1573 calculated by adding the amount calculated as specified in  
1574 paragraphs (a) and (b) and the wealth adjustment amount  
1575 calculated in this paragraph.

1576 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
1577 CURRENT OPERATION.—The total annual state allocation to each  
1578 district for current operation for the FEFP shall be distributed  
1579 periodically in the manner prescribed in the General  
1580 Appropriations Act.

1581 (a) If the funds appropriated for current operation of the  
1582 FEFP are not sufficient to pay the state requirement in full,  
1583 the department shall prorate the available state funds to each  
1584 district in the following manner:

1585 1. Determine the percentage of proration by dividing the  
1586 sum of the total amount for current operation, as provided in  
1587 this paragraph for all districts collectively, and the total  
1588 district required local effort into the sum of the state funds  
1589 available for current operation and the total district required  
1590 local effort.

1591 2. Multiply the percentage so determined by the sum of the  
1592 total amount for current operation as provided in this paragraph  
1593 and the required local effort for each individual district.

1594 3. From the product of such multiplication, subtract the  
1595 required local effort of each district; and the remainder shall

602-03214B-10

20101368c1

1596 be the amount of state funds allocated to the district for  
1597 current operation; however, no calculation subsequent to the  
1598 appropriation shall result in negative state funds for any  
1599 district.

1600 Section 25. Paragraph (a) of subsection (4) of section  
1601 1011.64, Florida Statutes, is amended to read:

1602 1011.64 School district minimum classroom expenditure  
1603 requirements.-

1604 (4) In order for the Department of Education to monitor the  
1605 implementation of this section, each school district which is  
1606 required to increase emphasis on classroom activities from  
1607 operating funds pursuant to subsection (1) shall submit to the  
1608 department the following two reports in a format determined by  
1609 the department:

1610 (a) An initial report, which shall include the proposed  
1611 budget actions identified for increased classroom expenditures,  
1612 a description of how such actions are designed to improve  
1613 student achievement, and a copy of the published statement  
1614 required by s. 1011.03(2) ~~s. 1011.03(3)~~. This report shall be  
1615 submitted within 30 days after final budget approval as provided  
1616 in s. 200.065.

1617 Section 26. Subsection (1) of section 1011.67, Florida  
1618 Statutes, is amended to read:

1619 1011.67 Funds for instructional materials.-

1620 (1) The department is authorized to allocate and distribute  
1621 to each district an amount as prescribed annually by the  
1622 Legislature for instructional materials for student membership  
1623 in basic and special programs in grades K-12, which will provide  
1624 for growth and maintenance needs. For purposes of this



602-03214B-10

20101368c1

1625 subsection, unweighted full-time equivalent students enrolled in  
1626 the lab schools in state universities are to be included as  
1627 school district students and reported as such to the department.  
1628 ~~These funds shall be distributed to school districts as follows:~~  
1629 ~~50 percent on or about July 10; 35 percent on or about October~~  
1630 ~~10; 10 percent on or about January 10; and 5 percent on or about~~  
1631 ~~June 10.~~ The annual allocation shall be determined as follows:

1632 (a) The growth allocation for each school district shall be  
1633 calculated as follows:

1634 1. Subtract from that district's projected full-time  
1635 equivalent membership of students in basic and special programs  
1636 in grades K-12 used in determining the initial allocation of the  
1637 Florida Education Finance Program, the prior year's full-time  
1638 equivalent membership of students in basic and special programs  
1639 in grades K-12 for that district.

1640 2. Multiply any such increase in full-time equivalent  
1641 student membership by the allocation for a set of instructional  
1642 materials, as determined by the department, or as provided for  
1643 in the General Appropriations Act.

1644 3. The amount thus determined shall be that district's  
1645 initial allocation for growth for the school year. However, the  
1646 department shall recompute and adjust the initial allocation  
1647 based on actual full-time equivalent student membership data for  
1648 that year.

1649 (b) The maintenance of the instructional materials  
1650 allocation for each school district shall be calculated by  
1651 multiplying each district's prior year full-time equivalent  
1652 membership of students in basic and special programs in grades  
1653 K-12 by the allocation for maintenance of a set of instructional

602-03214B-10

20101368c1

1654 materials as provided for in the General Appropriations Act. The  
1655 amount thus determined shall be that district's initial  
1656 allocation for maintenance for the school year; however, the  
1657 department shall recompute and adjust the initial allocation  
1658 based on such actual full-time equivalent student membership  
1659 data for that year.

1660 (c) In the event the funds appropriated are not sufficient  
1661 for the purpose of implementing this subsection in full, the  
1662 department shall prorate the funds available for instructional  
1663 materials after first funding in full each district's growth  
1664 allocation.

1665 Section 27. Section 1011.66, Florida Statutes, is amended  
1666 to read:

1667 1011.66 Distribution of FEFP funds.—The distribution of  
1668 FEFP funds shall be made in payments on or about the 10th and  
1669 26th of each month. ~~Upon the request of any school district~~  
1670 ~~whose net state FEFP funding is less than 60 percent of its~~  
1671 ~~gross state and local FEFP funding, the Department of Education~~  
1672 ~~shall distribute to that school district in the first quarter of~~  
1673 ~~the fiscal year an amount from the funds appropriated for the~~  
1674 ~~FEFP in the General Appropriations Act up to a maximum of 15~~  
1675 ~~percent of that school district's gross state and local FEFP~~  
1676 ~~funding or that school district's net state FEFP funding,~~  
1677 ~~whichever is less.~~

1678 Section 28. Subsection (2) of section 1011.68, Florida  
1679 Statutes, is amended to read:

1680 1011.68 Funds for student transportation.—The annual  
1681 allocation to each district for transportation to public school  
1682 programs, including charter schools as provided in s.

602-03214B-10

20101368c1

1683 1002.33(17)(b), of students in membership in kindergarten  
1684 through grade 12 and in migrant and exceptional student programs  
1685 below kindergarten shall be determined as follows:

1686 (2) The allocation for each district shall be calculated  
1687 annually in accordance with the following formula:

1688  $T = B + EX$ . The elements of this formula are defined as  
1689 follows: T is the total dollar allocation for transportation. B  
1690 is the base transportation dollar allocation prorated by an  
1691 adjusted student membership count. The adjusted membership count  
1692 shall be derived from a multiplicative index function in which  
1693 the base student membership is adjusted by multiplying it by  
1694 index numbers that individually account for the impact of the  
1695 price level index, average bus occupancy, and the extent of  
1696 rural population in the district. EX is the base transportation  
1697 dollar allocation for disabled students prorated by an adjusted  
1698 disabled student membership count. The base transportation  
1699 dollar allocation for disabled students is the total state base  
1700 disabled student membership count weighted for increased costs  
1701 associated with transporting disabled students and multiplying  
1702 it by an ~~the prior year's~~ average per student cost for  
1703 transportation as determined by the Legislature. The adjusted  
1704 disabled student membership count shall be derived from a  
1705 multiplicative index function in which the weighted base  
1706 disabled student membership is adjusted by multiplying it by  
1707 index numbers that individually account for the impact of the  
1708 price level index, average bus occupancy, and the extent of  
1709 rural population in the district. Each adjustment factor shall  
1710 be designed to affect the base allocation by no more or less  
1711 than 10 percent.

602-03214B-10

20101368c1

1712 Section 29. Paragraph (b) of subsection (3) of section  
1713 1011.71, Florida Statutes, is amended to read:

1714 1011.71 District school tax.—

1715 (3)

1716 (b) In addition to the millage authorized in this section,  
1717 each district school board may, by a super majority vote, levy  
1718 an additional 0.25 mills for critical capital outlay needs or  
1719 for critical operating needs. If levied for capital outlay,  
1720 expenditures shall be subject to the requirements of this  
1721 section. If levied for operations, expenditures shall be  
1722 consistent with the requirements for operating funds received  
1723 pursuant to s. 1011.62. If the district levies this additional  
1724 0.25 mills for operations, the compression adjustment pursuant  
1725 to s. 1011.62(5) shall be calculated and added to the district's  
1726 FEFP allocation. ~~Millage levied pursuant to this paragraph is~~  
1727 ~~subject to the provisions of s. 200.065. In order to be~~  
1728 ~~continued, millage levied pursuant to this paragraph must be~~  
1729 ~~approved by the voters of the district at the next general~~  
1730 ~~election.~~

1731 Section 30. Subsection (2) of section 1011.73, Florida  
1732 Statutes, is amended to read:

1733 1011.73 District millage elections.—

1734 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district  
1735 school board, pursuant to resolution adopted at a regular  
1736 meeting, shall direct the county commissioners to call an  
1737 election at which the electors within the school district may  
1738 approve an ad valorem tax millage as authorized under s.  
1739 1011.71(9) ~~s. 1011.71(8)~~. Such election may be held at any time,  
1740 except that not more than one such election shall be held during

602-03214B-10

20101368c1

1741 any 12-month period. Any millage so authorized shall be levied  
1742 for a period not in excess of 4 years or until changed by  
1743 another millage election, whichever is earlier. If any such  
1744 election is invalidated by a court of competent jurisdiction,  
1745 such invalidated election shall be considered not to have been  
1746 held.

1747 Section 31. Paragraph (g) of subsection (3) of section  
1748 1012.33, Florida Statutes, is amended to read:

1749 1012.33 Contracts with instructional staff, supervisors,  
1750 and school principals.—

1751 (3)

1752 (g) Beginning July 1, 2001, for each employee who enters  
1753 into a written contract, pursuant to this section, in a school  
1754 district in which the employee was not employed as of June 30,  
1755 2001, or was employed as of June 30, 2001, but has since broken  
1756 employment with that district for 1 school year or more, for  
1757 purposes of pay, a district school board must recognize and  
1758 accept each year of full-time public school teaching service  
1759 earned in the State of Florida for which the employee received a  
1760 satisfactory performance evaluation; however, an employee may  
1761 voluntarily waive this provision. Instructional personnel  
1762 employed pursuant to s. 121.091(9) (b) and (c) are exempt from  
1763 the provisions of this paragraph.

1764 Section 32. Paragraph (a) of subsection (7) of section  
1765 1012.467, Florida Statutes, is amended to read:

1766 1012.467 Noninstructional contractors who are permitted  
1767 access to school grounds when students are present; background  
1768 screening requirements.—

1769 (7) (a) The Department of Law Enforcement shall implement a

602-03214B-10

20101368c1

1770 system that allows for the results of a criminal history check  
1771 provided to a school district to be shared with other school  
1772 districts through a secure Internet website or other secure  
1773 electronic means. The Department of Law Enforcement may adopt  
1774 rules under ss. 120.536(1) and 120.54 to implement this  
1775 paragraph. School districts must accept reciprocity of level 2  
1776 screenings for Florida High School Athletic Association  
1777 Officials.

1778 Section 33. Subsection (1) of section 1012.55, Florida  
1779 Statutes, is amended to read:

1780 1012.55 Positions for which certificates required.—

1781 (1) The State Board of Education shall classify school  
1782 services, designate the certification subject areas, establish  
1783 competencies, including the use of technology to enhance student  
1784 learning, and certification requirements for all school-based  
1785 personnel, and adopt rules in accordance with which the  
1786 professional, temporary, and part-time certificates shall be  
1787 issued by the Department of Education to applicants who meet the  
1788 standards prescribed by such rules for their class of service.  
1789 Each person employed or occupying a position as school  
1790 supervisor, school principal, teacher, library media specialist,  
1791 school counselor, athletic coach, or other position in which the  
1792 employee serves in an instructional capacity, in any public  
1793 school of any district of this state shall hold the certificate  
1794 required by law and by rules of the State Board of Education in  
1795 fulfilling the requirements of the law for the type of service  
1796 rendered. Such positions include personnel providing direct  
1797 instruction to students through a virtual environment or through  
1798 a blended virtual and physical environment. The Department of

602-03214B-10

20101368c1

1799 Education shall identify appropriate educator certification for  
1800 the instruction of specified courses in an annual publication of  
1801 a directory of course code numbers for all programs and courses  
1802 that are funded through the Florida Education Finance Program.  
1803 However, the state board shall adopt rules authorizing district  
1804 school boards to employ selected noncertificated personnel to  
1805 provide instructional services in the individuals' fields of  
1806 specialty or to assist instructional staff members as education  
1807 paraprofessionals.

1808 Section 34. Paragraphs (a) and (d) of subsection (1) of  
1809 section 1013.62, Florida Statutes, are amended to read:

1810 1013.62 Charter schools capital outlay funding.—

1811 (1) In each year in which funds are appropriated for  
1812 charter school capital outlay purposes, the Commissioner of  
1813 Education shall allocate the funds among eligible charter  
1814 schools.

1815 (a) To be eligible for a funding allocation, a charter  
1816 school must:

1817 1.a. Have been in operation for 3 or more years;

1818 b. Be governed by a governing board established in the  
1819 state for 3 or more years which operates both charter schools  
1820 and conversion charter schools within the state;

1821 c. Be an expanded feeder chain of a charter school within  
1822 the same school district that is currently receiving charter  
1823 school capital outlay funds; or

1824 d. Have been accredited by the Commission on Schools of the  
1825 Southern Association of Colleges and Schools.

1826 2. Have financial stability for future operation as a  
1827 charter school.

602-03214B-10

20101368c1

1828           3. Have satisfactory student achievement based on state  
1829 accountability standards applicable to the charter school.

1830           4. Have received final approval from its sponsor pursuant  
1831 to s. 1002.33 for operation during that fiscal year.

1832           5. Serve students in facilities that are not provided by the  
1833 charter school's sponsor.

1834           6. Serve students in facilities that are provided by a  
1835 business partner for a charter school-in-the-workplace pursuant  
1836 to s. 1002.33(15) (b) .

1837           (d) A charter school is not eligible for a funding  
1838 allocation if it was created by the conversion of a public  
1839 school and operates in facilities provided by the charter  
1840 school's sponsor for a nominal fee, or at no charge, or if it is  
1841 directly or indirectly operated by the school district.

1842           Section 35. In order to implement Specific Appropriations  
1843 6, 7, 8, 78, and 79 of the General Appropriations Act for the  
1844 2010-2011 fiscal year, the calculations of the Florida Education  
1845 Finance Program for the 2010-2011 fiscal year in the document  
1846 entitled "Public School Funding - The Florida Education Finance  
1847 Program," dated xx, 2010, and filed with the Secretary of the  
1848 Senate are incorporated by reference for the purpose of  
1849 displaying the calculations used by the Legislature, consistent  
1850 with requirements of the Florida Statutes, in making  
1851 appropriations for the Florida Education Finance Program.

1852           Section 36. Except as otherwise expressly provided in this  
1853 act, this act shall take effect July 1, 2010.