

20101368e1

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; revising provisions
21 that exempt charter school facilities from certain
22 fees; providing that certain capital outlay funds
23 shared with a charter school-in-the-workplace before
24 July 1, 2010, are deemed to meet certain expenditure
25 requirements; revising requirements for calculating
26 the administrative fee that the sponsor of a charter
27 school may withhold and use for capital outlay
28 purposes; amending s. 1002.37, F.S.; providing certain
29 limitations on reporting credits earned by a student

20101368e1

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

20101368e1

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

20101368e1

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

20101368e1

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

20101368e1

146 reciprocity of level 2 screening for Florida High
147 School Athletic Association Officials; amending s.
148 1012.55, F.S.; requiring that instructional personnel
149 providing instruction through a virtual environment
150 hold certification as otherwise required by law and
151 rule; amending s. 1013.62, F.S.; providing that a
152 charter school must serve students in facilities that
153 are provided by a business partner for a charter
154 school-in-the-workplace to be eligible for an
155 allocation of funds for capital outlay purposes;
156 amending s. 1013.64, F.S.; revising provisions
157 relating to funding for educational facilities
158 projects; providing for the incorporation by reference
159 of certain calculations used by the Legislature for
160 the 2010-2011 fiscal year; providing effective dates.

161
162 Be It Enacted by the Legislature of the State of Florida:

163
164 Section 1. Paragraphs (d) and (e) of subsection (6) of
165 section 212.055, Florida Statutes, are amended to read:

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

20101368e1

175 required; the purpose for which the proceeds may be expended;
176 and such other requirements as the Legislature may provide.
177 Taxable transactions and administrative procedures shall be as
178 provided in s. 212.054.

179 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

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

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

190 Section 2. Paragraph (d) of subsection (2) of section
191 216.292, Florida Statutes, is repealed.

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

194 1001.395 District school board members; compensation.—

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

200 Section 4. Paragraph (c) of subsection (2) of section
201 1001.451, Florida Statutes, is amended to read:

202 1001.451 Regional consortium service organizations.—In
203 order to provide a full range of programs to larger numbers of

20101368e1

204 students, minimize duplication of services, and encourage the
205 development of new programs and services:

206 (2)

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

213 Section 5. Paragraph (d) of subsection (9) of section
214 1002.32, Florida Statutes, is amended to read:

215 1002.32 Developmental research (laboratory) schools.—

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

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

230 Section 6. Paragraph (a) of subsection (16), paragraph (d)
231 of subsection (18), subsection (19), and paragraph (a) of
232 subsection (20) of section 1002.33, Florida Statutes, are

20101368e1

233 amended to read:

234 1002.33 Charter schools.—

235 (16) EXEMPTION FROM STATUTES.—

236 (a) A charter school shall operate in accordance with its
237 charter and shall be exempt from all statutes in chapters 1000-
238 1013. However, a charter school shall be in compliance with the
239 following statutes in chapters 1000-1013:

240 1. Those statutes specifically applying to charter schools,
241 including this section.

242 2. Those statutes pertaining to the student assessment
243 program and school grading system.

244 3. Those statutes pertaining to the provision of services
245 to students with disabilities.

246 4. Those statutes pertaining to civil rights, including s.
247 1000.05, relating to discrimination.

248 5. Those statutes pertaining to student health, safety, and
249 welfare.

250 6. Those statutes pertaining to maximum class size.

251 (18) FACILITIES.—

252 (d) Charter school facilities are exempt from assessments
253 of fees for building permits, except as provided in s. 553.80;~~i~~
254 fees for building and occupational licenses;~~i~~ impact fees or
255 exactions;~~i~~ service availability fees;~~i~~ and assessments for
256 special benefits.

257 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
258 for capital outlay funds pursuant to s. 1013.62. Capital outlay
259 funds authorized in s. 1011.71(2) which have been shared with a
260 charter school-in-the-workplace prior to July 1, 2010, are
261 deemed to have met the authorized expenditure requirements for

20101368e1

262 such funds.

263 (20) SERVICES.—

264 (a)1. A sponsor shall provide certain administrative and
265 educational services to charter schools. These services shall
266 include contract management services; full-time equivalent and
267 data reporting services; exceptional student education
268 administration services; services related to eligibility and
269 reporting duties required to ensure that school lunch services
270 under the federal lunch program, consistent with the needs of
271 the charter school, are provided by the school district at the
272 request of the charter school, that any funds due to the charter
273 school under the federal lunch program be paid to the charter
274 school as soon as the charter school begins serving food under
275 the federal lunch program, and that the charter school is paid
276 at the same time and in the same manner under the federal lunch
277 program as other public schools serviced by the sponsor or the
278 school district; test administration services, including payment
279 of the costs of state-required or district-required student
280 assessments; processing of teacher certificate data services;
281 and information services, including equal access to student
282 information systems that are used by public schools in the
283 district in which the charter school is located. Student
284 performance data for each student in a charter school,
285 including, but not limited to, FCAT scores, standardized test
286 scores, previous public school student report cards, and student
287 performance measures, shall be provided by the sponsor to a
288 charter school in the same manner provided to other public
289 schools in the district.

290 2. A total administrative fee for the provision of such

20101368e1

291 services shall be calculated based upon up to 5 percent of the
292 available funds defined in paragraph (17) (b) for all students.
293 However, a sponsor may only withhold up to a 5 percent ~~5-percent~~
294 administrative fee for enrollment for up to and including 250
295 ~~500~~ students. For charter schools with a population of 251 ~~501~~
296 or more students, the difference between the total
297 administrative fee calculation and the amount of the
298 administrative fee withheld may only be used for capital outlay
299 purposes specified in s. 1013.62(2).

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

304 a. Includes both conversion charter schools and non-
305 conversion charter schools;

306 b. All schools are located in the same municipality in the
307 same county;

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

310 d. Has the same governing board; and

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

313 4. The difference between the total administrative fee
314 calculation and the amount of the administrative fee withheld
315 for such system of charter schools may be used for instructional
316 and administrative purposes as well as for capital outlay
317 purposes specified in s. 1013.62(2).

318 5. Each charter school shall receive 100 percent of the
319 funds awarded to that school pursuant to s. 1012.225. Sponsors

20101368e1

320 shall not charge charter schools any additional fees or
321 surcharges for administrative and educational services in
322 addition to the maximum 5 percent ~~5-percent~~ administrative fee
323 withheld pursuant to this paragraph.

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

326 1002.37 The Florida Virtual School.—

327 (3) Funding for the Florida Virtual School shall be
328 provided as follows:

329 (a) A "full-time equivalent student" for the Florida
330 Virtual School is one student who has successfully completed six
331 credits that shall count toward the minimum number of credits
332 required for high school graduation. A student who completes
333 less than six credits shall be a fraction of a full-time
334 equivalent student. Half-credit completions shall be included in
335 determining a full-time equivalent student. Half-credits earned
336 by a student 20 weeks or more after beginning the course, and
337 credits earned by a student 40 weeks or more after beginning the
338 course, are not eligible to be funded and may not be reported.
339 Credit completed by a student in excess of the minimum required
340 for that student for high school graduation is not eligible for
341 funding.

342 (f) The Florida Virtual School shall receive funds for
343 operating purposes in an amount determined as follows: multiply
344 the maximum allowable nonvoted discretionary millage for
345 operations pursuant to s. 1011.71(1) and (3) by the value of 95
346 percent of the current year's taxable value for school purposes
347 for the state; divide the result by the total full-time
348 equivalent membership of the state; and multiply the result by

20101368e1

349 the full-time equivalent membership of the school. The amount
350 thus obtained shall be discretionary operating funds and shall
351 be appropriated from state funds in the General Appropriations
352 Act.

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

356 1002.45 School district virtual instruction programs.—

357 (1) PROGRAM.—

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

359 1. "Approved provider" means a provider that is approved by
360 the Department of Education under subsection (2), the Florida
361 Virtual School, ~~or~~ a franchise of the Florida Virtual School, or
362 a public community college.

363 2. "Virtual instruction program" means a program of
364 instruction provided in an interactive learning environment
365 created through technology in which students are separated from
366 their teachers by time or space, or both, and in which a
367 Florida-certified teacher under chapter 1012 is responsible for
368 at least:

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

371 b. Eighty percent of the direct instruction to students in
372 grades 6 through 12.

373 (b) Beginning with the 2009-2010 school year, each school
374 district shall provide eligible students within its boundaries
375 the option of participating in a virtual instruction program.
376 The purpose of the program is to make instruction available to
377 students using online and distance learning technology in the

20101368e1

378 nontraditional classroom. The program shall be:

379 1. Full-time for students enrolled in kindergarten through
380 grade 12.

381 2. Full-time or part-time for students in grades 9 through
382 12 who are enrolled in dropout prevention and academic
383 intervention programs under s. 1003.53, or Department of
384 Juvenile Justice education programs under s. 1003.52, core-
385 curricula courses to meet class size requirements, or community
386 colleges in grades 9 through 12.

387 (2) PROVIDER QUALIFICATIONS.—

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

392 1. Is nonsectarian in its programs, admission policies,
393 employment practices, and operations;

394 2. Complies with the antidiscrimination provisions of s.
395 1000.05;

396 3. Locates an administrative office or offices in this
397 state, requires its administrative staff to be state residents,
398 requires all instructional staff to be Florida-certified
399 teachers under chapter 1012, and conducts background screenings
400 for all employees or contracted personnel, as required by s.
401 1012.32, using state and national criminal history records;

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

404 5. Is accredited by the Southern Association of Colleges
405 and Schools Council on Accreditation and School Improvement, the
406 North Central Association Commission on Accreditation and School

20101368e1

407 Improvement, the Middle States Association of Colleges and
408 Schools Commission on Elementary Schools and Commission on
409 Secondary Schools, the New England Association of Schools and
410 Colleges, the Northwest Association of Accredited Schools, the
411 Western Association of Schools and Colleges, or the Commission
412 on International and Trans-Regional Accreditation; and-

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

415 (7) FUNDING.—

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

419 (b) The school district in which the student resides shall
420 report full-time equivalent students for the school district
421 virtual instruction program to the department in a manner
422 prescribed by the department, and funding shall be provided
423 through the Florida Education Finance Program. Funds received by
424 the school district of residence for a student in a virtual
425 instruction program provided by another school district under
426 this section shall be transferred to the school district
427 providing the virtual instruction program.

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

431 ~~(12) STUDY.—The department shall review the advisability of~~
432 ~~legislatively authorizing school districts to contract with~~
433 ~~approved private providers for the provision of part-time~~
434 ~~virtual instruction programs for students in grades 9 through 12~~
435 ~~who are not enrolled in programs under ss. 1003.52 and 1003.53.~~

20101368e1

436 ~~The department shall report its findings and recommendations to~~
437 ~~the presiding officers of the Legislature and the Governor by~~
438 ~~January 15, 2010.~~

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

441 1002.55 School-year prekindergarten program delivered by
442 private prekindergarten providers.—

443 (3) To be eligible to deliver the prekindergarten program,
444 a private prekindergarten provider must meet each of the
445 following requirements:

446 (c) The private prekindergarten provider must have, for
447 each prekindergarten class composed of 12 children or fewer, at
448 least one prekindergarten instructor who meets each of the
449 following requirements:

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

452 a. A child development associate credential issued by the
453 National Credentialing Program of the Council for Professional
454 Recognition; or

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

458
459 The Department of Children and Family Services may adopt rules
460 under ss. 120.536(1) and 120.54 which provide criteria and
461 procedures for approving equivalent credentials under sub-
462 subparagraph b.

463 2. The prekindergarten instructor must successfully
464 complete an emergent literacy training course approved by the

20101368e1

465 department as meeting or exceeding the minimum standards adopted
466 under s. 1002.59. This subparagraph does not apply to a
467 prekindergarten instructor who successfully completes approved
468 training in early literacy and language development under s.
469 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
470 establishment of one or more emergent literacy training courses
471 under s. 1002.59 or April 1, 2005, whichever occurs later.

472 (f) Each of the private prekindergarten provider's
473 prekindergarten classes must be composed of at least 4 students
474 but may not exceed 24 ~~18~~ students. In order to protect the
475 health and safety of students, each private prekindergarten
476 provider must also provide appropriate adult supervision for
477 students at all times and, for each prekindergarten class
478 composed of 13 to 20 ~~11 or more~~ students, must have, in addition
479 to a prekindergarten instructor who meets the requirements of
480 paragraph (c), at least one adult prekindergarten instructor who
481 is not required to meet those requirements but who must meet
482 each requirement of paragraph (d). Each prekindergarten class
483 composed of 21 to 24 students must have an additional
484 prekindergarten instructor who meets the requirements of
485 paragraph (c). This paragraph does not supersede any requirement
486 imposed on a provider under ss. 402.301-402.319.

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

489 1002.63 School-year prekindergarten program delivered by
490 public schools.—

491 (7) Each prekindergarten class in a public school
492 delivering the school-year prekindergarten program must be
493 composed of at least 4 students but may not exceed 24 ~~18~~

20101368e1

494 students. In order to protect the health and safety of students,
495 each school must also provide appropriate adult supervision for
496 students at all times and, for each prekindergarten class
497 composed of 13 to 20 ~~11 or more~~ students, must have, in addition
498 to a prekindergarten instructor who meets the requirements of s.
499 1002.55(3)(c), at least one adult prekindergarten instructor who
500 is not required to meet those requirements but who must meet
501 each requirement of subsection (5). Each prekindergarten class
502 composed of 21 to 24 students must have an additional
503 prekindergarten instructor who meets the requirements of
504 paragraph (c).

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

507 1002.71 Funding; financial and attendance reporting.—

508 (7) The Agency for Workforce Innovation shall require that
509 administrative expenditures be kept to the minimum necessary for
510 efficient and effective administration of the Voluntary
511 Prekindergarten Education Program. Administrative policies and
512 procedures shall be revised, to the maximum extent practicable,
513 to incorporate the use of automation and electronic submission
514 of forms, including those required for child eligibility and
515 enrollment, provider and class registration, and monthly
516 certification of attendance for payment. A school district may
517 use its automated daily attendance reporting system for the
518 purpose of transmitting attendance records to the early learning
519 coalition in a mutually agreed-upon format. In addition, actions
520 shall be taken to reduce paperwork, eliminate the duplication of
521 reports, and eliminate other duplicative activities. Beginning
522 with the 2010-2011 ~~2008-2009~~ fiscal year, each early learning

20101368e1

523 coalition may retain and expend no more than 4.5 ~~4.85~~ percent of
524 the funds paid by the coalition to private prekindergarten
525 providers and public schools under paragraph (5)(b). Funds
526 retained by an early learning coalition under this subsection
527 may be used only for administering the Voluntary Prekindergarten
528 Education Program and may not be used for the school readiness
529 program or other programs.

530 Section 12. Subsections (2), (3), and (4) of section
531 1003.03, Florida Statutes, are amended to read:

532 1003.03 Maximum class size.—

533 (2) IMPLEMENTATION.—The Department of Education shall
534 annually calculate class size measures defined in subsection (1)
535 based upon the October student membership survey, except that
536 the calculation for 2010-2011 shall be based on the February
537 student membership survey.

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

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

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

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

20101368e1

552 ~~3. For fiscal year 2010-2011 and thereafter, the~~
553 ~~calculation for compliance shall be at the individual classroom~~
554 ~~level.~~

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

558 ~~(c) The Department of Education shall annually calculate~~
559 ~~each of the three average class size measures defined in~~
560 ~~paragraphs (a) and (b) based upon the October student membership~~
561 ~~survey. For purposes of determining the baseline from which each~~
562 ~~district's average class size must be reduced for the 2003-2004~~
563 ~~school year, the department shall use data from the February~~
564 ~~2003 student membership survey updated to include classroom~~
565 ~~identification numbers as required by the department.~~

566 ~~(d) Prior to the adoption of the district school budget for~~
567 ~~2004-2005, each district school board shall hold public hearings~~
568 ~~to review school attendance zones in order to ensure maximum use~~
569 ~~of facilities while minimizing the additional use of~~
570 ~~transportation in order to comply with the two-student-per-year~~
571 ~~reduction required in paragraph (a). School districts that meet~~
572 ~~the constitutional class size maximums described in subsection~~
573 ~~(1) are exempt from this requirement.~~

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

579 (a) Adopt policies to encourage qualified students to take
580 dual enrollment courses.

20101368e1

581 (b) Adopt policies to encourage students to take courses
582 from the Florida Virtual School and school district virtual
583 instruction programs.

584 (c)1. Repeal district school board policies that require
585 students to have more than 24 credits to graduate from high
586 school.

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

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

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

599 (f) Use joint-use facilities through partnerships with
600 community colleges, state universities, and private colleges and
601 universities. Joint-use facilities available for use as K-12
602 classrooms that do not meet the K-12 State Regulations for
603 Educational Facilities in the Florida Building Code may be used
604 at the discretion of the district school board provided that
605 such facilities meet all other health, life, safety, and fire
606 codes.

607 (g) Adopt alternative methods of class scheduling, such as
608 block scheduling.

609 (h) Redraw school attendance zones to maximize use of

20101368e1

610 facilities while minimizing the additional use of
611 transportation.

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

615 (j) Use year-round schools and other nontraditional
616 calendars that do not adversely impact annual assessment of
617 student achievement.

618 (k) Review and consider amending any collective bargaining
619 contracts that hinder the implementation of class size
620 reduction.

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

622 (4) ACCOUNTABILITY.—

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

20101368e1

639 ~~Appropriation Allocation Conference or the undistributed balance~~
640 ~~of the district's class size reduction operating categorical.~~

641 ~~2. In lieu of the transfer required by subparagraph 1., the~~
642 ~~Commissioner of Education may recommend a budget amendment,~~
643 ~~subject to approval by the Legislative Budget Commission, to~~
644 ~~transfer an alternative amount of funds from the district's~~
645 ~~class size reduction operating categorical to its approved fixed~~
646 ~~capital outlay account for class size reduction if the~~
647 ~~commissioner finds that the State Board of Education has~~
648 ~~reviewed evidence indicating that a district has been unable to~~
649 ~~meet class size reduction requirements despite appropriate~~
650 ~~effort to do so. The commissioner's budget amendment must be~~
651 ~~submitted to the Legislative Budget Commission by February 15 of~~
652 ~~each year.~~

653 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
654 ~~fiscal year funds from a district's class size operating~~
655 ~~categorical are required to be transferred to its fixed capital~~
656 ~~outlay fund and the district's class size operating categorical~~
657 ~~allocation in the General Appropriations Act for that fiscal~~
658 ~~year has been reduced by a subsequent appropriation, the~~
659 ~~Commissioner of Education may recommend a 50 percent reduction~~
660 ~~in the amount of the transfer.~~

661 ~~(a) (b) Beginning in the 2010-2011 fiscal year and each year~~
662 ~~thereafter, If the department determines that the number of~~
663 ~~students assigned to any individual class exceed ~~exceeds~~ the~~
664 ~~class size maximum, as required in subsection (1) ~~(2)~~, at the~~
665 ~~time of the third FEFP calculation, except in 2010-2011 at the~~
666 ~~time of the fourth calculation, the department shall:~~

667 1. Identify, for each grade group, the number of classes in

20101368e1

668 which ~~the enrollment exceeds the maximum~~, the number of students
669 exceed ~~which exceeds~~ the maximum ~~for each class~~, and the total
670 number of students that exceed ~~which exceeds~~ the maximum for all
671 classes.

672 2. Determine the number of full-time equivalent students
673 that exceed ~~which exceeds~~ the maximum ~~class size~~ for each grade
674 group.

675 3. Multiply the total number of FTE students that exceed
676 ~~which exceeds~~ the maximum ~~class size~~ for each grade group by the
677 district's FTE dollar amount of the class-size-reduction
678 allocation for that year and calculate the total for all three
679 grade groups.

680 4. Multiply the total number of FTE students that exceed
681 the maximum for all classes by the amount of the base student
682 allocation adjusted by the district's district cost
683 differential.

684 5.4. Reduce the district's class-size-reduction operating
685 categorical allocation by an amount equal to the sum of the
686 calculations calculation in subparagraphs subparagraph 3. and 4.
687 The commissioner is authorized to withhold the distribution of
688 class size allocation reduction funds to the extent necessary to
689 comply with this section.

690 (b) (e) Upon verification of the department's calculation by
691 the Florida Education Finance Program Appropriation Allocation
692 Conference and no later than March 1 of each year, the Executive
693 Office of the Governor shall place these funds in reserve, and
694 the undistributed funds shall revert to the General Revenue Fund
695 unallocated at the end of the fiscal year. The amount of funds
696 reduced shall be the lesser of the amount verified by the

20101368e1

697 Florida Education Finance Program Appropriation Allocation
698 Conference or the undistributed balance of the district's class-
699 size-reduction operating categorical allocation.

700 (c)~~(d)~~ In lieu of the reduction calculation in paragraph
701 (a) ~~(b)~~, if the Commissioner of Education has evidence that a
702 district was unable to meet the class size requirements despite
703 appropriate efforts to do so or because of an extreme emergency,
704 he or she may recommend a budget amendment, subject to approval
705 of the Legislative Budget Commission, to reduce an alternative
706 amount of funds from the district's class-size-reduction
707 operating categorical allocation. The commissioner's budget
708 amendment must be submitted to the Legislative Budget Commission
709 by February 15 of each year.

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

712 ~~(c) In addition to the calculation required in paragraph~~
713 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
714 ~~fiscal year, the department shall also prepare a simulated~~
715 ~~calculation based on the requirements in paragraphs (b) and (c).~~
716 ~~This simulated calculation shall be provided to the school~~
717 ~~districts and the Legislature.~~

718 Section 13. Effective upon approval by the electors of
719 Senate Joint Resolution 2 or House Joint Resolution 7039 in the
720 2010 General Election and retroactive to the beginning of the
721 2010-2011 school year, section 1003.03, Florida Statutes, is
722 amended to read:

723 1003.03 Maximum class size.—

724 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1,
725 Art. IX of the State Constitution, beginning in the 2010-2011

20101368e1

726 school year:

727 (a) The average number of students at the school level
728 assigned to each teacher who is teaching core-curricula courses
729 in public school classrooms for prekindergarten through grade 3
730 may not exceed 18 students and the maximum number of students
731 assigned to a teacher in an individual class may not exceed 21
732 students.

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

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

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

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

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

753 (2) IMPLEMENTATION.—The Department of Education shall
754 annually calculate class size as defined in subsection (1) based

20101368e1

755 upon the October student membership survey, except that the
756 calculation for the 2010-2011 school year shall be based on the
757 February student membership survey. The calculation for
758 compliance for each of the three grade groupings shall be the
759 number of students assigned to each teacher in an individual
760 class and the average number of students at the school level
761 assigned to each teacher. Each teacher assigned to any classroom
762 shall be included in the calculation for compliance.

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

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

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

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

777 ~~3. For fiscal year 2010-2011 and thereafter, the~~
778 ~~calculation for compliance shall be at the individual classroom~~
779 ~~level.~~

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

783 ~~(c) The Department of Education shall annually calculate~~

20101368e1

784 ~~each of the three average class size measures defined in~~
785 ~~paragraphs (a) and (b) based upon the October student membership~~
786 ~~survey. For purposes of determining the baseline from which each~~
787 ~~district's average class size must be reduced for the 2003-2004~~
788 ~~school year, the department shall use data from the February~~
789 ~~2003 student membership survey updated to include classroom~~
790 ~~identification numbers as required by the department.~~

791 ~~(d) Prior to the adoption of the district school budget for~~
792 ~~2004-2005, each district school board shall hold public hearings~~
793 ~~to review school attendance zones in order to ensure maximum use~~
794 ~~of facilities while minimizing the additional use of~~
795 ~~transportation in order to comply with the two-student-per-year~~
796 ~~reduction required in paragraph (a). School districts that meet~~
797 ~~the constitutional class size maximums described in subsection~~
798 ~~(1) are exempt from this requirement.~~

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

804 (a) Adopt policies to encourage qualified students to take
805 dual enrollment courses.

806 (b) Adopt policies to encourage students to take courses
807 from the Florida Virtual School and school district virtual
808 instruction programs.

809 (c)1. Repeal district school board policies that require
810 students to have more than 24 credits to graduate from high
811 school.

812 2. Adopt policies to allow students to graduate from high

20101368e1

813 school as soon as they pass the grade 10 FCAT and complete the
814 courses required for high school graduation.

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

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

824 (f) Use joint-use facilities through partnerships with
825 community colleges, state universities, and private colleges and
826 universities. Joint-use facilities available for use as K-12
827 classrooms that do not meet the K-12 State Regulations for
828 Educational Facilities in the Florida Building Code may be used
829 at the discretion of the district school board provided that
830 such facilities meet all other health, life, safety, and fire
831 codes.

832 (g) Adopt alternative methods of class scheduling, such as
833 block scheduling.

834 (h) Redraw school attendance zones to maximize use of
835 facilities while minimizing the additional use of
836 transportation.

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

840 (j) Use year-round schools and other nontraditional
841 calendars that do not adversely impact annual assessment of

20101368e1

842 student achievement.

843 (k) Review and consider amending any collective bargaining
844 contracts that hinder the implementation of class size
845 reduction.

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

847 (4) ACCOUNTABILITY.—

848 (a) If the department determines that the number of
849 students assigned to any individual class exceeds the classroom
850 maximum, or if the department determines that the school average
851 is greater than the school level maximum, the department shall
852 identify for each of three grade groups:

853 1. The number of FTE students in an individual classroom
854 that are greater than the classroom maximum and the number of
855 FTE students that are greater than the school level average, not
856 including the number of FTE that are greater than the classroom
857 maximum.

858 2. Multiply the total number of FTE students as calculated
859 in subparagraph 1. which exceed the maximum class size for each
860 grade group by the district's FTE dollar amount of the class-
861 size-reduction allocation for that year and calculate the total
862 dollar amount for all three grade groups.

863 3. Multiply the total number of FTE students as calculated
864 in subparagraph 1. which exceed the maximum by the amount of the
865 base student allocation adjusted by the district cost
866 differential.

867 4. Reduce the district's class-size-reduction operating
868 categorical allocation by an amount equal to the sum of the
869 calculations in subparagraphs 2. and 3. The commissioner is
870 authorized to withhold the distribution of class size reduction

20101368e1

871 allocation funds to the extent necessary to comply with this
872 section.

873 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
874 ~~department determines for any year that a school district has~~
875 ~~not reduced average class size as required in subsection (2) at~~
876 ~~the time of the third FEFP calculation, the department shall~~
877 ~~calculate an amount from the class size reduction operating~~
878 ~~categorical which is proportionate to the amount of class size~~
879 ~~reduction not accomplished. Upon verification of the~~
880 ~~department's calculation by the Florida Education Finance~~
881 ~~Program Appropriation Allocation Conference and not later than~~
882 ~~March 1 of each year, the Executive Office of the Governor shall~~
883 ~~transfer undistributed funds equivalent to the calculated amount~~
884 ~~from the district's class size reduction operating categorical~~
885 ~~to an approved fixed capital outlay appropriation for class size~~
886 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
887 ~~The amount of funds transferred shall be the lesser of the~~
888 ~~amount verified by the Florida Education Finance Program~~
889 ~~Appropriation Allocation Conference or the undistributed balance~~
890 ~~of the district's class size reduction operating categorical.~~

891 ~~2. In lieu of the transfer required by subparagraph 1., the~~
892 ~~Commissioner of Education may recommend a budget amendment,~~
893 ~~subject to approval by the Legislative Budget Commission, to~~
894 ~~transfer an alternative amount of funds from the district's~~
895 ~~class size reduction operating categorical to its approved fixed~~
896 ~~capital outlay account for class size reduction if the~~
897 ~~commissioner finds that the State Board of Education has~~
898 ~~reviewed evidence indicating that a district has been unable to~~
899 ~~meet class size reduction requirements despite appropriate~~

20101368e1

900 ~~effort to do so. The commissioner's budget amendment must be~~
901 ~~submitted to the Legislative Budget Commission by February 15 of~~
902 ~~each year.~~

903 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
904 ~~fiscal year funds from a district's class size operating~~
905 ~~categorical are required to be transferred to its fixed capital~~
906 ~~outlay fund and the district's class size operating categorical~~
907 ~~allocation in the General Appropriations Act for that fiscal~~
908 ~~year has been reduced by a subsequent appropriation, the~~
909 ~~Commissioner of Education may recommend a 50-percent reduction~~
910 ~~in the amount of the transfer.~~

911 ~~(b)(e)~~ Upon verification of the department's calculation by
912 the Florida Education Finance Program Appropriation Allocation
913 Conference and no later than March 1 of each year, the Executive
914 Office of the Governor shall place these funds in reserve, and
915 the undistributed funds shall revert to the General Revenue Fund
916 unallocated at the end of the fiscal year. The amount of funds
917 reduced shall be the lesser of the amount verified by the
918 Florida Education Finance Program Appropriation Allocation
919 Conference or the undistributed balance of the district's class-
920 size-reduction operating categorical allocation.

921 ~~(c)(d)~~ In lieu of the reduction calculation in paragraph
922 (a) (b), if the Commissioner of Education has evidence that a
923 district has been unable to meet the class size requirements
924 despite appropriate efforts to do so or because of an extreme
925 emergency, he or she may recommend a budget amendment, subject
926 to approval of the Legislative Budget Commission, to reduce an
927 alternative amount of funds from the district's class-size-
928 reduction operating categorical allocation. The commissioner's

20101368e1

929 budget amendment must be submitted to the Legislative Budget
930 Commission by February 15 of each year.

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

933 ~~(e) In addition to the calculation required in paragraph~~
934 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
935 ~~fiscal year, the department shall also prepare a simulated~~
936 ~~calculation based on the requirements in paragraphs (b) and (c).~~
937 ~~This simulated calculation shall be provided to the school~~
938 ~~districts and the Legislature.~~

939 (5) TEAM-TEACHING STRATEGIES.—

940 (a) School districts may use teaching strategies that
941 include the assignment of more than one teacher to a classroom
942 of students and that were implemented before July 1, 2005.
943 Effective July 1, 2005, school districts may implement
944 additional teaching strategies that include the assignment of
945 more than one teacher to a classroom of students for the
946 following purposes only:

- 947 1. Pairing teachers for the purpose of staff development.
- 948 2. Pairing new teachers with veteran teachers.
- 949 3. Reducing turnover among new teachers.
- 950 4. Pairing teachers who are teaching out-of-field with
951 teachers who are in-field.
- 952 5. Providing for more flexibility and innovation in the
953 classroom.

954 6. Improving learning opportunities for students, including
955 students who have disabilities.

956 (b) Teaching strategies, including team teaching, co-
957 teaching, or inclusion teaching, implemented on or after July 1,

20101368e1

958 2005, pursuant to paragraph (a) may be implemented subject to
959 the following restrictions:

960 1. Reasonable limits shall be placed on the number of
961 students in a classroom so that classrooms are not overcrowded.
962 Teacher-to-student ratios within a curriculum area or grade
963 level must not exceed constitutional limits.

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

966 3. At least one member of the team must be teaching in-
967 field.

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

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

971 1. "Team teaching" or "co-teaching" means two or more
972 teachers are assigned to a group of students and each teacher is
973 responsible for all of the students during the entire class
974 period. In order to be considered team teaching or co-teaching,
975 each teacher is responsible for planning, delivering, and
976 evaluating instruction for all students in the class or subject
977 for the entire class period.

978 2. "Inclusion teaching" means two or more teachers are
979 assigned to a group of students, but one of the teachers is
980 responsible for only one student or a small group of students in
981 the classroom.

982

983 The use of strategies implemented as outlined in this subsection
984 meets the letter and intent of the Florida Constitution and the
985 Florida Statutes which relate to implementing class size
986 reduction, and this subsection applies retroactively. A school

20101368e1

987 district may not be penalized financially or otherwise as a
988 result of the use of any legal strategy, including, but not
989 limited to, those set forth in subsection (3) and this
990 subsection.

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

993 1003.492 Industry-certified career education programs.—

994 (2) The State Board of Education shall use the expertise of
995 Workforce Florida, Inc., and Enterprise Florida, Inc., to
996 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
997 for implementing an industry certification process. Industry
998 certification shall be defined by the Agency for Workforce
999 Innovation, based upon the highest available national standards
1000 for specific industry certification, to ensure student skill
1001 proficiency and to address emerging labor market and industry
1002 trends. A regional workforce board or a career and professional
1003 academy may apply to Workforce Florida, Inc., to request
1004 additions to the approved list of industry certifications based
1005 on high-demand job requirements in the regional economy. The
1006 list of industry certifications approved by Workforce Florida,
1007 Inc., and the Department of Education shall be published and
1008 updated annually by a date certain, to be included in the
1009 adopted rule.

1010 Section 15. Subsection (1) of section 1006.28, Florida
1011 Statutes, is amended to read:

1012 1006.28 Duties of district school board, district school
1013 superintendent; and school principal regarding K-12
1014 instructional materials.—

1015 (1) DISTRICT SCHOOL BOARD.—The district school board has

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1016 the duty to provide adequate instructional materials for all
1017 students in accordance with the requirements of this part. The
1018 term "adequate instructional materials" means a sufficient
1019 number of textbooks or sets of materials that are available in
1020 bound, unbound, kit, or package form and may consist of hard-
1021 backed or soft-backed textbooks, electronic content,
1022 consumables, learning laboratories, manipulatives, electronic
1023 media, and computer courseware or software that serve as the
1024 basis for instruction for each student in the core courses of
1025 mathematics, language arts, social studies, science, reading,
1026 and literature, except for instruction for which the school
1027 advisory council approves the use of a program that does not
1028 include a textbook as a major tool of instruction. The district
1029 school board has the following specific duties:

1030 (a) *Courses of study; adoption.*—Adopt courses of study for
1031 use in the schools of the district.

1032 (b) *Textbooks.*—Provide for proper requisitioning,
1033 distribution, accounting, storage, care, and use of all
1034 instructional materials furnished by the state and furnish such
1035 other instructional materials as may be needed. The district
1036 school board shall assure that instructional materials used in
1037 the district are consistent with the district goals and
1038 objectives and the curriculum frameworks adopted by rule of the
1039 State Board of Education, as well as with the state and district
1040 performance standards provided for in s. 1001.03(1).

1041 (c) *Other instructional materials.*—Provide such other
1042 teaching accessories and aids as are needed for the school
1043 district's educational program.

1044 (d) *School library media services; establishment and*

20101368e1

1045 *maintenance.*—Establish and maintain a program of school library
1046 media services for all public schools in the district, including
1047 school library media centers, or school library media centers
1048 open to the public, and, in addition such traveling or
1049 circulating libraries as may be needed for the proper operation
1050 of the district school system.

1051 Section 16. Section 1006.281, Florida Statutes, is created
1052 to read:

1053 1006.281 Learning management systems.—

1054 (1) To ensure that all school districts have equitable
1055 access to digitally rich instructional materials, districts are
1056 encouraged to provide access to an electronic learning
1057 management system that allows teachers, students, and parents to
1058 access, organize, and use electronically available instructional
1059 materials and teaching and learning tools and resources, and
1060 that enables teachers to manage, assess, and track student
1061 learning.

1062 (2) To the extent fiscally and technologically feasible, a
1063 school district's electronic learning management system should
1064 allow for a single, authenticated sign-on and include the
1065 following functionality:

1066 (a) Vertically searches for, gathers, and organizes
1067 specific standards-based instructional materials.

1068 (b) Enables teachers to prepare lessons, individualize
1069 student instruction, and use best practices in providing
1070 instruction.

1071 (c) Provides communication, including access to up-to-date
1072 student performance data, in order to help teachers and parents
1073 better serve the needs of students.

20101368e1

1074 (d) Provides access for administrators to ensure quality of
1075 instruction within every classroom.

1076 (e) Provides access to multiple content providers.

1077 (3) The Department of Education shall provide assistance as
1078 requested by school districts in their deployment of a district
1079 electronic learning management system.

1080 Section 17. Subsection (4) of section 1006.29, Florida
1081 Statutes, is amended to read:

1082 1006.29 State instructional materials committees.—

1083 (4) For purposes of state adoption, "instructional
1084 materials" means items having intellectual content that by
1085 design serve as a major tool for assisting in the instruction of
1086 a subject or course. These items may be available in bound,
1087 unbound, kit, or package form and may consist of hardbacked or
1088 softbacked textbooks, electronic content, consumables, learning
1089 laboratories, manipulatives, electronic media, and computer
1090 courseware or software. The term does not include electronic or
1091 computer hardware even if such hardware is bundled with software
1092 or other electronic media, nor does it include equipment or
1093 supplies. A publisher or manufacturer providing instructional
1094 materials as a single bundle shall also make the instructional
1095 materials available as separate and unbundled items, each priced
1096 individually. Any instructional materials adopted after 2012-
1097 2013 for students in grades 9 through 12 shall be provided
1098 primarily in an electronic format.

1099 Section 18. Paragraph (b) of subsection (1) of section
1100 1006.33, Florida Statutes, is amended to read:

1101 1006.33 Bids or proposals; advertisement and its contents.—

1102 (1)

20101368e1

1103 (b) The advertisement shall state that, beginning in 2010-
1104 2011, each bidder shall furnish electronic specimen copies of
1105 all instructional materials submitted, at a time designated by
1106 the department, which specimen copies shall be identical with
1107 the copies approved and accepted by the members of the state
1108 instructional materials committee, as prescribed in this
1109 section, and with the copies furnished to the department and
1110 district school superintendents, as provided in this part. Any
1111 district school superintendent who requires samples in addition
1112 to the electronic format must request those samples through the
1113 department.

1114 Section 19. Paragraph (a) of subsection (3) and subsection
1115 (4) of section 1006.40, Florida Statutes, are amended to read:

1116 1006.40 Use of instructional materials allocation;
1117 instructional materials, library books, and reference books;
1118 repair of books.—

1119 (3) (a) Each district school board shall use the annual
1120 allocation for the purchase of instructional materials included
1121 on the state-adopted list, except as otherwise authorized in
1122 paragraphs (b) and (c). No less than 50 percent of the annual
1123 allocation shall be used to purchase items which will be used to
1124 provide instruction to students at the level or levels for which
1125 the materials are designed. Beginning with the 2012-2013 fiscal
1126 year, not less than 10 percent of the annual allocation shall be
1127 used to purchase items for which the major tool of instruction
1128 is used electronically.

1129 (4) The funds described in subsection (3) which district
1130 school boards may use to purchase materials not on the state-
1131 adopted list shall be used for the purchase of instructional

20101368e1

1132 materials or other items having intellectual content which
1133 assist in the instruction of a subject or course. These items
1134 may be available in bound, unbound, kit, or package form and may
1135 consist of hardbacked or softbacked textbooks, electronic
1136 content, replacements for items which were part of previously
1137 purchased instructional materials, consumables, learning
1138 laboratories, manipulatives, electronic media, computer
1139 courseware or software, and other commonly accepted
1140 instructional tools as prescribed by district school board rule.
1141 The funds available to district school boards for the purchase
1142 of materials not on the state-adopted list may not be used to
1143 purchase ~~electronic or computer~~ hardware even if such hardware
1144 is bundled with software or other electronic media, nor may such
1145 funds be used to purchase equipment or supplies. However, when
1146 authorized to do so in the General Appropriations Act, a school
1147 or district school board may use a portion of the funds
1148 available to it for the purchase of materials not on the state-
1149 adopted list to purchase science laboratory materials and
1150 supplies.

1151 Section 20. Subsection (1) of section 1007.27, Florida
1152 Statutes, is amended to read:

1153 1007.27 Articulated acceleration mechanisms.—

1154 (1) It is the intent of the Legislature that a variety of
1155 articulated acceleration mechanisms be available for secondary
1156 and postsecondary students attending public educational
1157 institutions. It is intended that articulated acceleration serve
1158 to shorten the time necessary for a student to complete the
1159 requirements associated with the conference of a high school
1160 diploma and a postsecondary degree, broaden the scope of

20101368e1

1161 curricular options available to students, or increase the depth
1162 of study available for a particular subject. Articulated
1163 acceleration mechanisms shall include, but not be limited to,
1164 dual enrollment as provided for in s. 1007.271, early admission,
1165 advanced placement, credit by examination, the International
1166 Baccalaureate Program, and the Advanced International
1167 Certificate of Education Program. Credit earned through the
1168 Florida Virtual School shall provide additional opportunities
1169 for early graduation and acceleration. Students of Florida
1170 public secondary schools enrolled pursuant to this subsection
1171 shall be deemed authorized users of the state-funded electronic
1172 library resources that are licensed for public colleges and
1173 universities by the Florida Center for Library Automation and
1174 the College Center for Library Automation. Verification of
1175 eligibility shall be in accordance with rules established by the
1176 State Board of Education and the Board of Governors and
1177 processes implemented by public colleges and universities.

1178 Section 21. Paragraph (c) of subsection (3) of section
1179 1008.34, Florida Statutes, is amended to read:

1180 1008.34 School grading system; school report cards;
1181 district grade.—

1182 (3) DESIGNATION OF SCHOOL GRADES.—

1183 (c) Student assessment data used in determining school
1184 grades shall include:

1185 1. The aggregate scores of all eligible students enrolled
1186 in the school who have been assessed on the FCAT.

1187 2. The aggregate scores of all eligible students enrolled
1188 in the school who have been assessed on the FCAT and who have
1189 scored at or in the lowest 25th percentile of students in the

20101368e1

1190 school in reading, mathematics, or writing, unless these
1191 students are exhibiting satisfactory performance.

1192 3. Effective with the 2005-2006 school year, the
1193 achievement scores and learning gains of eligible students
1194 attending alternative schools that provide dropout prevention
1195 and academic intervention services pursuant to s. 1003.53. The
1196 term "eligible students" in this subparagraph does not include
1197 students attending an alternative school who are subject to
1198 district school board policies for expulsion for repeated or
1199 serious offenses, who are in dropout retrieval programs serving
1200 students who have officially been designated as dropouts, or who
1201 are in programs operated or contracted by the Department of
1202 Juvenile Justice. The student performance data for eligible
1203 students identified in this subparagraph shall be included in
1204 the calculation of the home school's grade. As used in this
1205 section and s. 1008.341, the term "home school" means the school
1206 to which the student would be assigned if the student were not
1207 assigned to an alternative school. If an alternative school
1208 chooses to be graded under this section, student performance
1209 data for eligible students identified in this subparagraph shall
1210 not be included in the home school's grade but shall be included
1211 only in the calculation of the alternative school's grade. A
1212 school district that fails to assign the FCAT scores of each of
1213 its students to his or her home school or to the alternative
1214 school that receives a grade shall forfeit Florida School
1215 Recognition Program funds for 1 fiscal year. School districts
1216 must require collaboration between the home school and the
1217 alternative school in order to promote student success. This
1218 collaboration must include an annual discussion between the

20101368e1

1219 principal of the alternative school and the principal of each
1220 student's home school concerning the most appropriate school
1221 assignment of the student.

1222 4. Beginning with the 2009-2010 school year for schools
1223 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1224 11, and 12, the data listed in subparagraphs 1.-3. and the
1225 following data as the Department of Education determines such
1226 data are valid and available:

1227 a. The high school graduation rate of the school as
1228 calculated by the Department of Education;

1229 b. The successful completion ~~participation~~ rate of all
1230 eligible students enrolled in the school and enrolled in College
1231 Board Advanced Placement courses; International Baccalaureate
1232 courses; dual enrollment courses; Advanced International
1233 Certificate of Education courses; and courses or sequence of
1234 courses leading to industry certification, as determined by the
1235 Agency for Workforce Innovation under s. 1003.492(2) in a career
1236 and professional academy, as described in s. 1003.493;

1237 c. The aggregate scores of all eligible students enrolled
1238 in the school in College Board Advanced Placement courses,
1239 International Baccalaureate courses, and Advanced International
1240 Certificate of Education courses;

1241 d. Earning of college credit by all eligible students
1242 enrolled in the school in dual enrollment programs under s.
1243 1007.271;

1244 e. Earning of an industry certification, as determined by
1245 the Agency for Workforce Innovation under s. 1003.492(2) in a
1246 career and professional academy, as described in s. 1003.493;

1247 f. The aggregate scores of all eligible students enrolled

20101368e1

1248 in the school in reading, mathematics, and other subjects as
1249 measured by the SAT, the ACT, and the common placement test for
1250 postsecondary readiness;

1251 g. The high school graduation rate of all eligible at-risk
1252 students enrolled in the school who scored at Level 2 or lower
1253 on the grade 8 FCAT Reading and Mathematics examinations;

1254 h. The performance of the school's students on statewide
1255 standardized end-of-course assessments administered under s.
1256 1008.22; and

1257 i. The growth or decline in the data components listed in
1258 sub-subparagraphs a.-h. from year to year.

1259

1260 The State Board of Education shall adopt appropriate criteria
1261 for each school grade. The criteria must also give added weight
1262 to student achievement in reading. Schools designated with a
1263 grade of "C," making satisfactory progress, shall be required to
1264 demonstrate that adequate progress has been made by students in
1265 the school who are in the lowest 25th percentile in reading,
1266 mathematics, or writing on the FCAT, unless these students are
1267 exhibiting satisfactory performance. Beginning with the 2009-
1268 2010 school year for schools comprised of high school grades 9,
1269 10, 11, and 12, or grades 10, 11, and 12, the criteria for
1270 school grades must also give added weight to the graduation rate
1271 of all eligible at-risk students, as defined in this paragraph.
1272 Beginning in the 2009-2010 school year, in order for a high
1273 school to be designated as having a grade of "A," making
1274 excellent progress, the school must demonstrate that at-risk
1275 students, as defined in this paragraph, in the school are making
1276 adequate progress.

20101368e1

1277 Section 22. Section 1011.03, Florida Statutes, is amended
1278 to read:

1279 1011.03 Public hearings; budget to be submitted to
1280 Department of Education.—

1281 (1) Each district school board must cause a summary of its
1282 tentative budget, including the proposed millage levies as
1283 provided for by law, ~~and graphs illustrating a historical~~
1284 ~~summary of financial and demographic data,~~ to be posted online
1285 and advertised at least one time as a full-page advertisement in
1286 a the newspaper of general with the largest circulation
1287 published in the district or to be posted at the courthouse ~~door~~
1288 if there be no such newspaper.

1289 ~~(2)(a) The advertisement must include a graph illustrating~~
1290 ~~the historical summary of financial and demographic data for~~
1291 ~~each of the following data values which shall be plotted along~~
1292 ~~the vertical axis of each graph:~~

1293 ~~1. Total revenue provided to the school district from all~~
1294 ~~sources for the corresponding fiscal year, including all~~
1295 ~~federal, state, and local revenue.~~

1296 ~~2. Total revenue provided to the school district for the~~
1297 ~~corresponding fiscal year for current operations.~~

1298 ~~3. Total revenue provided to the school district for the~~
1299 ~~corresponding fiscal year for fixed capital outlay projects.~~

1300 ~~4. Total revenue provided to the school district for the~~
1301 ~~corresponding fiscal year for debt service.~~

1302 ~~5. Total number of unweighted full-time equivalent~~
1303 ~~students, inclusive of all programs listed in s. 1011.62.~~

1304 ~~6. Total revenue provided to the school district for~~
1305 ~~current operations divided by the number of unweighted full-time~~

20101368e1

1306 ~~equivalent students for the corresponding fiscal year.~~
1307 ~~7. Total number of employees of the school district for the~~
1308 ~~corresponding fiscal year.~~
1309 ~~8. Total number of employees of the school district~~
1310 ~~classified as instructional personnel under s. 1012.01 for the~~
1311 ~~corresponding fiscal year.~~
1312 ~~(b) Each graph must include a separate histogram~~
1313 ~~corresponding to the financial and demographic data for each of~~
1314 ~~the following fiscal years, which shall be plotted along the~~
1315 ~~horizontal axis of each graph:~~
1316 ~~1. Current fiscal year.~~
1317 ~~2. Fiscal year that is 5 years before the current fiscal~~
1318 ~~year.~~
1319 ~~3. Fiscal year that is 10 years before the current fiscal~~
1320 ~~year.~~
1321 ~~(c) The numeric value of the financial and demographic data~~
1322 ~~corresponding to each histogram must be included in each graph.~~
1323 (2)~~(3)~~ The advertisement of a district that has been
1324 required by the Legislature to increase classroom expenditures
1325 pursuant to s. 1011.64 must include the following statement:
1326
1327 "This proposed budget reflects an increase in classroom
1328 expenditures as a percent of total current operating
1329 expenditures of XX percent over the (previous fiscal year)
1330 fiscal year. This increase in classroom expenditures is required
1331 by the Legislature because the district has performed below the
1332 required performance standard on XX of XX student performance
1333 standards for the (previous school year) school year. In order
1334 to achieve the legislatively required level of classroom

20101368e1

1335 expenditures as a percentage of total operating expenditures,
1336 the proposed budget includes an increase in overall classroom
1337 expenditures of \$XX,XXX,XXX above the amount spent for this same
1338 purpose during the (previous fiscal year) fiscal year. In order
1339 to achieve improved student academic performance, this proposed
1340 increase is being budgeted for the following activities:
1341 ... (list activities and amount budgeted)"

1342 (3)~~(4)~~ The advertisement shall appear adjacent to the
1343 advertisement required pursuant to s. 200.065. The State Board
1344 of Education may adopt rules necessary to provide specific
1345 requirements for the format of the advertisement.

1346 (4)~~(5)~~ The board shall hold public hearings to adopt
1347 tentative and final budgets pursuant to s. 200.065. The hearings
1348 shall be primarily for the purpose of hearing requests and
1349 complaints from the public regarding the budgets and the
1350 proposed tax levies and for explaining the budget and proposed
1351 or adopted amendments thereto, if any. The district school board
1352 shall then require the superintendent to transmit forthwith two
1353 copies of the adopted budget to the Department of Education for
1354 approval as prescribed by law and rules of the State Board of
1355 Education.

1356 Section 23. Subsection (2) of section 1011.60, Florida
1357 Statutes, is amended to read:

1358 1011.60 Minimum requirements of the Florida Education
1359 Finance Program.—Each district which participates in the state
1360 appropriations for the Florida Education Finance Program shall
1361 provide evidence of its effort to maintain an adequate school
1362 program throughout the district and shall meet at least the
1363 following requirements:

20101368e1

1364 (2) MINIMUM TERM.—Operate all schools for a term of 180
1365 actual teaching days or the equivalent on an hourly basis ~~as~~
1366 ~~specified by rules of the State Board of Education~~ each school
1367 year. The State Board of Education may prescribe procedures for
1368 altering, and, upon written application, may alter, this
1369 requirement during a national, state, or local emergency as it
1370 may apply to an individual school or schools in any district or
1371 districts if, in the opinion of the board, it is not feasible to
1372 make up lost days or hours, and the apportionment may, at the
1373 discretion of the Commissioner of Education and if the board
1374 determines that the reduction of school days or hours is caused
1375 by the existence of a bona fide emergency, be reduced for such
1376 district or districts in proportion to the decrease in the
1377 length of term in any such school or schools. A strike, as
1378 defined in s. 447.203(6), by employees of the school district
1379 may not be considered an emergency.

1380 Section 24. Paragraphs (m), (n), (o), (p), and (q) of
1381 subsection (1), paragraph (b) of subsection (6), paragraph (d)
1382 of subsection (7), and paragraph (a) of subsection (12) of
1383 section 1011.62, Florida Statutes, are amended to read:

1384 1011.62 Funds for operation of schools.—If the annual
1385 allocation from the Florida Education Finance Program to each
1386 district for operation of schools is not determined in the
1387 annual appropriations act or the substantive bill implementing
1388 the annual appropriations act, it shall be determined as
1389 follows:

1390 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1391 OPERATION.—The following procedure shall be followed in
1392 determining the annual allocation to each district for

20101368e1

1393 operation:

1394 (m) *Calculation of additional full-time equivalent*
1395 *membership based on international baccalaureate examination*
1396 *scores of students.*—A value of 0.1 ~~0.16~~ full-time equivalent
1397 student membership shall be calculated for each student enrolled
1398 in an international baccalaureate course who receives a score of
1399 4 or higher on a subject examination. A value of 0.3 full-time
1400 equivalent student membership shall be calculated for each
1401 student who receives an international baccalaureate diploma.
1402 Such value shall be added to the total full-time equivalent
1403 student membership in basic programs for grades 9 through 12 in
1404 the subsequent fiscal year. The school district shall distribute
1405 to each classroom teacher who provided international
1406 baccalaureate instruction:

1407 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught
1408 by the International Baccalaureate teacher in each international
1409 baccalaureate course who receives a score of 4 or higher on the
1410 international baccalaureate examination.

1411 2. An additional bonus of \$250 ~~\$500~~ to each International
1412 Baccalaureate teacher in a school designated with a grade of "D"
1413 or "F" who has at least one student scoring 4 or higher on the
1414 international baccalaureate examination, regardless of the
1415 number of classes taught or of the number of students scoring a
1416 4 or higher on the international baccalaureate examination.

1417
1418 Bonuses awarded to a teacher according to this paragraph shall
1419 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be
1420 in addition to any regular wage or other bonus the teacher
1421 received or is scheduled to receive.

20101368e1

1422 (n) Calculation of additional full-time equivalent
1423 membership based on Advanced International Certificate of
1424 Education examination scores of students.—A value of 0.1 ~~0.16~~
1425 full-time equivalent student membership shall be calculated for
1426 each student enrolled in a full-credit Advanced International
1427 Certificate of Education course who receives a score of E or
1428 higher on a subject examination. A value of 0.05 ~~0.08~~ full-time
1429 equivalent student membership shall be calculated for each
1430 student enrolled in a half-credit Advanced International
1431 Certificate of Education course who receives a score of E or
1432 higher on a subject examination. A value of 0.3 full-time
1433 equivalent student membership shall be calculated for each
1434 student who receives an Advanced International Certificate of
1435 Education diploma. Such value shall be added to the total full-
1436 time equivalent student membership in basic programs for grades
1437 9 through 12 in the subsequent fiscal year. The school district
1438 shall distribute to each classroom teacher who provided Advanced
1439 International Certificate of Education instruction:

1440 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught
1441 by the Advanced International Certificate of Education teacher
1442 in each full-credit Advanced International Certificate of
1443 Education course who receives a score of E or higher on the
1444 Advanced International Certificate of Education examination. A
1445 bonus in the amount of \$12.50 ~~\$25~~ for each student taught by the
1446 Advanced International Certificate of Education teacher in each
1447 half-credit Advanced International Certificate of Education
1448 course who receives a score of E or higher on the Advanced
1449 International Certificate of Education examination.

1450 2. An additional bonus of \$250 ~~\$500~~ to each Advanced

20101368e1

1451 International Certificate of Education teacher in a school
1452 designated with a grade of "D" or "F" who has at least one
1453 student scoring E or higher on the full-credit Advanced
1454 International Certificate of Education examination, regardless
1455 of the number of classes taught or of the number of students
1456 scoring an E or higher on the full-credit Advanced International
1457 Certificate of Education examination.

1458 3. Additional bonuses of \$125 ~~\$250~~ each to teachers of
1459 half-credit Advanced International Certificate of Education
1460 classes in a school designated with a grade of "D" or "F" which
1461 has at least one student scoring an E or higher on the half-
1462 credit Advanced International Certificate of Education
1463 examination in that class. The maximum additional bonus for a
1464 teacher awarded in accordance with this subparagraph shall not
1465 exceed \$250 ~~\$500~~ in any given school year. Teachers receiving an
1466 award under subparagraph 2. are not eligible for a bonus under
1467 this subparagraph.

1468
1469 Bonuses awarded to a teacher according to this paragraph shall
1470 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be
1471 in addition to any regular wage or other bonus the teacher
1472 received or is scheduled to receive.

1473 (o) *Calculation of additional full-time equivalent*
1474 *membership based on college board advanced placement scores of*
1475 *students.*—A value of 0.1 ~~0.16~~ full-time equivalent student
1476 membership shall be calculated for each student in each advanced
1477 placement course who receives a score of 3 or higher on the
1478 College Board Advanced Placement Examination for the prior year
1479 and added to the total full-time equivalent student membership

20101368e1

1480 in basic programs for grades 9 through 12 in the subsequent
1481 fiscal year. A student who receives a score of 3 or higher and
1482 did not take the advanced placement course is not eligible for
1483 the 0.1 FTE membership. Each district must allocate at least 80
1484 percent of the funds provided to the district for advanced
1485 placement instruction, in accordance with this paragraph, to the
1486 high school that generates the funds. The school district shall
1487 distribute to each classroom teacher who provided advanced
1488 placement instruction:

1489 1. A bonus in the amount of \$25 ~~\$50~~ for each student taught
1490 by the Advanced Placement teacher in each advanced placement
1491 course who receives a score of 3 or higher on the College Board
1492 Advanced Placement Examination.

1493 2. An additional bonus of \$250 ~~\$500~~ to each Advanced
1494 Placement teacher in a school designated with a grade of "D" or
1495 "F" who has at least one student scoring 3 or higher on the
1496 College Board Advanced Placement Examination, regardless of the
1497 number of classes taught or of the number of students scoring a
1498 3 or higher on the College Board Advanced Placement Examination.

1499
1500 Bonuses awarded to a teacher according to this paragraph shall
1501 not exceed \$1,000 ~~\$2,000~~ in any given school year and shall be
1502 in addition to any regular wage or other bonus the teacher
1503 received or is scheduled to receive.

1504 (p) *Calculation of additional full-time equivalent*
1505 *membership based on certification of successful completion of*
1506 *industry-certified career and professional academy programs*
1507 *pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified*
1508 *in the Industry Certified Funding List pursuant to rules adopted*

20101368e1

1509 by the State Board of Education.—A value of 0.3 full-time
1510 equivalent student membership shall be calculated for each
1511 student who completes an industry-certified career and
1512 professional academy program under ss. 1003.491, 1003.492, and
1513 1003.493 and who is issued the highest level of industry
1514 certification identified annually in the Industry Certification
1515 Funding List approved under rules adopted by the State Board of
1516 Education and a high school diploma. Such value shall be added
1517 to the total full-time equivalent student membership in
1518 secondary career education programs for grades 9 through 12 in
1519 the subsequent year for courses that were not funded through
1520 dual enrollment. The additional full-time equivalent membership
1521 authorized under this paragraph may not exceed 0.3 per student.
1522 Each district must allocate at least 80 percent of the funds
1523 provided for industry certification, in accordance with this
1524 paragraph, to the program that generated the funds. Unless a
1525 different amount is specified in the General Appropriations Act,
1526 the appropriation for this calculation is limited to \$15 million
1527 annually. If the appropriation is insufficient to fully fund the
1528 total calculation, the appropriation shall be prorated.

1529 ~~(q) Calculation of additional full-time equivalent~~
1530 ~~membership for the Florida Virtual School.—The reported full-~~
1531 ~~time equivalent student membership for the Florida Virtual~~
1532 ~~School for students who are also enrolled in a school district~~
1533 ~~shall be multiplied by 0.114, and such value shall be added to~~
1534 ~~the total full-time equivalent student membership.~~

1535 (6) CATEGORICAL FUNDS.—

1536 (b) If a district school board finds and declares in a
1537 resolution adopted at a regular meeting of the school board that

20101368e1

1538 the funds received for any of the following categorical
1539 appropriations are urgently needed to maintain school board
1540 specified academic classroom instruction, the school board may
1541 consider and approve an amendment to the school district
1542 operating budget transferring the identified amount of the
1543 categorical funds to the appropriate account for expenditure:

- 1544 1. Funds for student transportation.
- 1545 2. Funds for safe schools.
- 1546 3. Funds for supplemental academic instruction.
- 1547 4. Funds for research-based reading instruction.
- 1548 5. Funds for instructional materials if all instructional
1549 material purchases necessary to provide updated materials
1550 aligned to Next Generation Sunshine State Standards and
1551 benchmarks and that meet statutory requirements of content and
1552 learning have been completed for that fiscal year, but no sooner
1553 than March 1, 2011 ~~2010~~. Funds available after March 1 may be
1554 used to purchase hardware used to provide student instruction.

1555 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1556 (d) Each district's allocation of sparsity supplement funds
1557 shall be adjusted in the following manner:

- 1558 1. A maximum discretionary levy per FTE value for each
1559 district shall be calculated by dividing the value of each
1560 district's maximum discretionary levy by its FTE student count.
- 1561 2. A state average discretionary levy value per FTE shall
1562 be calculated by dividing the total maximum discretionary levy
1563 value for all districts by the state total FTE student count.
- 1564 3. A total potential funds per FTE for each district shall
1565 be calculated by dividing the total potential funds, not
1566 including Florida School Recognition Program funds, Merit Award

20101368e1

1567 Program funds, and the minimum guarantee funds, for each
1568 district by its FTE student count.

1569 4. A state average total potential funds per FTE shall be
1570 calculated by dividing the total potential funds, not including
1571 Florida School Recognition Program funds, Merit Award Program
1572 funds, and the minimum guarantee funds, for all districts by the
1573 state total FTE student count.

1574 5. For districts that have a levy value per FTE as
1575 calculated in subparagraph 1. higher than the state average
1576 calculated in subparagraph 2., a sparsity wealth adjustment
1577 shall be calculated as the product of the difference between the
1578 state average levy value per FTE calculated in subparagraph 2.
1579 and the district's levy value per FTE calculated in subparagraph
1580 1. and the district's FTE student count and -1. However, no
1581 district shall have a sparsity wealth adjustment that, when
1582 applied to the total potential funds calculated in subparagraph
1583 3., would cause the district's total potential funds per FTE to
1584 be less than the state average calculated in subparagraph 4.

1585 6. Each district's sparsity supplement allocation shall be
1586 calculated by adding the amount calculated as specified in
1587 paragraphs (a) and (b) and the wealth adjustment amount
1588 calculated in this paragraph.

1589 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
1590 CURRENT OPERATION.—The total annual state allocation to each
1591 district for current operation for the FEFP shall be distributed
1592 periodically in the manner prescribed in the General
1593 Appropriations Act.

1594 (a) If the funds appropriated for current operation of the
1595 FEFP are not sufficient to pay the state requirement in full,

20101368e1

1596 the department shall prorate the available state funds to each
1597 district in the following manner:

1598 1. Determine the percentage of proration by dividing the
1599 sum of the total amount for current operation, as provided in
1600 this paragraph for all districts collectively, and the total
1601 district required local effort into the sum of the state funds
1602 available for current operation and the total district required
1603 local effort.

1604 2. Multiply the percentage so determined by the sum of the
1605 total amount for current operation as provided in this paragraph
1606 and the required local effort for each individual district.

1607 3. From the product of such multiplication, subtract the
1608 required local effort of each district; and the remainder shall
1609 be the amount of state funds allocated to the district for
1610 current operation; however, no calculation subsequent to the
1611 appropriation shall result in negative state funds for any
1612 district.

1613 Section 25. Paragraph (a) of subsection (4) of section
1614 1011.64, Florida Statutes, is amended to read:

1615 1011.64 School district minimum classroom expenditure
1616 requirements.—

1617 (4) In order for the Department of Education to monitor the
1618 implementation of this section, each school district which is
1619 required to increase emphasis on classroom activities from
1620 operating funds pursuant to subsection (1) shall submit to the
1621 department the following two reports in a format determined by
1622 the department:

1623 (a) An initial report, which shall include the proposed
1624 budget actions identified for increased classroom expenditures,

20101368e1

1625 a description of how such actions are designed to improve
1626 student achievement, and a copy of the published statement
1627 required by s. 1011.03(2) ~~s. 1011.03(3)~~. This report shall be
1628 submitted within 30 days after final budget approval as provided
1629 in s. 200.065.

1630 Section 26. Subsection (1) of section 1011.67, Florida
1631 Statutes, is amended to read:

1632 1011.67 Funds for instructional materials.—

1633 (1) The department is authorized to allocate and distribute
1634 to each district an amount as prescribed annually by the
1635 Legislature for instructional materials for student membership
1636 in basic and special programs in grades K-12, which will provide
1637 for growth and maintenance needs. For purposes of this
1638 subsection, unweighted full-time equivalent students enrolled in
1639 the lab schools in state universities are to be included as
1640 school district students and reported as such to the department.
1641 ~~These funds shall be distributed to school districts as follows:~~
1642 ~~50 percent on or about July 10; 35 percent on or about October~~
1643 ~~10; 10 percent on or about January 10; and 5 percent on or about~~
1644 ~~June 10.~~ The annual allocation shall be determined as follows:

1645 (a) The growth allocation for each school district shall be
1646 calculated as follows:

1647 1. Subtract from that district's projected full-time
1648 equivalent membership of students in basic and special programs
1649 in grades K-12 used in determining the initial allocation of the
1650 Florida Education Finance Program, the prior year's full-time
1651 equivalent membership of students in basic and special programs
1652 in grades K-12 for that district.

1653 2. Multiply any such increase in full-time equivalent

20101368e1

1654 student membership by the allocation for a set of instructional
1655 materials, as determined by the department, or as provided for
1656 in the General Appropriations Act.

1657 3. The amount thus determined shall be that district's
1658 initial allocation for growth for the school year. However, the
1659 department shall recompute and adjust the initial allocation
1660 based on actual full-time equivalent student membership data for
1661 that year.

1662 (b) The maintenance of the instructional materials
1663 allocation for each school district shall be calculated by
1664 multiplying each district's prior year full-time equivalent
1665 membership of students in basic and special programs in grades
1666 K-12 by the allocation for maintenance of a set of instructional
1667 materials as provided for in the General Appropriations Act. The
1668 amount thus determined shall be that district's initial
1669 allocation for maintenance for the school year; however, the
1670 department shall recompute and adjust the initial allocation
1671 based on such actual full-time equivalent student membership
1672 data for that year.

1673 (c) In the event the funds appropriated are not sufficient
1674 for the purpose of implementing this subsection in full, the
1675 department shall prorate the funds available for instructional
1676 materials after first funding in full each district's growth
1677 allocation.

1678 Section 27. Section 1011.66, Florida Statutes, is amended
1679 to read:

1680 1011.66 Distribution of FEFP funds.—The distribution of
1681 FEFP funds shall be made in payments on or about the 10th and
1682 26th of each month. ~~Upon the request of any school district~~

20101368e1

1683 ~~whose net state FEFP funding is less than 60 percent of its~~
1684 ~~gross state and local FEFP funding, the Department of Education~~
1685 ~~shall distribute to that school district in the first quarter of~~
1686 ~~the fiscal year an amount from the funds appropriated for the~~
1687 ~~FEFP in the General Appropriations Act up to a maximum of 15~~
1688 ~~percent of that school district's gross state and local FEFP~~
1689 ~~funding or that school district's net state FEFP funding,~~
1690 ~~whichever is less.~~

1691 Section 28. Subsection (2) of section 1011.68, Florida
1692 Statutes, is amended to read:

1693 1011.68 Funds for student transportation.—The annual
1694 allocation to each district for transportation to public school
1695 programs, including charter schools as provided in s.
1696 1002.33(17)(b), of students in membership in kindergarten
1697 through grade 12 and in migrant and exceptional student programs
1698 below kindergarten shall be determined as follows:

1699 (2) The allocation for each district shall be calculated
1700 annually in accordance with the following formula:

1701 $T = B + EX$. The elements of this formula are defined as
1702 follows: T is the total dollar allocation for transportation. B
1703 is the base transportation dollar allocation prorated by an
1704 adjusted student membership count. The adjusted membership count
1705 shall be derived from a multiplicative index function in which
1706 the base 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. EX is the base transportation
1710 dollar allocation for disabled students prorated by an adjusted
1711 disabled student membership count. The base transportation

20101368e1

1712 dollar allocation for disabled students is the total state base
1713 disabled student membership count weighted for increased costs
1714 associated with transporting disabled students and multiplying
1715 it by an ~~the prior year's~~ average per student cost for
1716 transportation as determined by the Legislature. The adjusted
1717 disabled student membership count shall be derived from a
1718 multiplicative index function in which the weighted base
1719 disabled student membership is adjusted by multiplying it by
1720 index numbers that individually account for the impact of the
1721 price level index, average bus occupancy, and the extent of
1722 rural population in the district. Each adjustment factor shall
1723 be designed to affect the base allocation by no more or less
1724 than 10 percent.

1725 Section 29. Paragraph (b) of subsection (3) of section
1726 1011.71, Florida Statutes, is amended to read:

1727 1011.71 District school tax.—

1728 (3)

1729 (b) In addition to the millage authorized in this section,
1730 each district school board may, by a super majority vote, levy
1731 an additional 0.25 mills for critical capital outlay needs or
1732 for critical operating needs. If levied for capital outlay,
1733 expenditures shall be subject to the requirements of this
1734 section. If levied for operations, expenditures shall be
1735 consistent with the requirements for operating funds received
1736 pursuant to s. 1011.62. If the district levies this additional
1737 0.25 mills for operations, the compression adjustment pursuant
1738 to s. 1011.62(5) shall be calculated and added to the district's
1739 FEFP allocation. ~~Millage levied pursuant to this paragraph is~~
1740 ~~subject to the provisions of s. 200.065. In order to be~~

20101368e1

1741 ~~continued, millage levied pursuant to this paragraph must be~~
1742 ~~approved by the voters of the district at the next general~~
1743 ~~election.~~

1744 Section 30. Subsection (2) of section 1011.73, Florida
1745 Statutes, is amended to read:

1746 1011.73 District millage elections.—

1747 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
1748 school board, pursuant to resolution adopted at a regular
1749 meeting, shall direct the county commissioners to call an
1750 election at which the electors within the school district may
1751 approve an ad valorem tax millage as authorized under s.
1752 1011.71(9) ~~s. 1011.71(8)~~. Such election may be held at any time,
1753 except that not more than one such election shall be held during
1754 any 12-month period. Any millage so authorized shall be levied
1755 for a period not in excess of 4 years or until changed by
1756 another millage election, whichever is earlier. If any such
1757 election is invalidated by a court of competent jurisdiction,
1758 such invalidated election shall be considered not to have been
1759 held.

1760 Section 31. Paragraph (g) of subsection (3) of section
1761 1012.33, Florida Statutes, is amended to read:

1762 1012.33 Contracts with instructional staff, supervisors,
1763 and school principals.—

1764 (3)

1765 (g) Beginning July 1, 2001, for each employee who enters
1766 into a written contract, pursuant to this section, in a school
1767 district in which the employee was not employed as of June 30,
1768 2001, or was employed as of June 30, 2001, but has since broken
1769 employment with that district for 1 school year or more, for

20101368e1

1770 purposes of pay, a district school board must recognize and
1771 accept each year of full-time public school teaching service
1772 earned in the State of Florida for which the employee received a
1773 satisfactory performance evaluation; however, an employee may
1774 voluntarily waive this provision. Instructional personnel
1775 employed pursuant to s. 121.091(9) (b) and (c) are exempt from
1776 the provisions of this paragraph.

1777 Section 32. Paragraph (a) of subsection (7) of section
1778 1012.467, Florida Statutes, is amended to read:

1779 1012.467 Noninstructional contractors who are permitted
1780 access to school grounds when students are present; background
1781 screening requirements.—

1782 (7) (a) The Department of Law Enforcement shall implement a
1783 system that allows for the results of a criminal history check
1784 provided to a school district to be shared with other school
1785 districts through a secure Internet website or other secure
1786 electronic means. The Department of Law Enforcement may adopt
1787 rules under ss. 120.536(1) and 120.54 to implement this
1788 paragraph. School districts must accept reciprocity of level 2
1789 screenings for Florida High School Athletic Association
1790 Officials.

1791 Section 33. Subsection (1) of section 1012.55, Florida
1792 Statutes, is amended to read:

1793 1012.55 Positions for which certificates required.—

1794 (1) The State Board of Education shall classify school
1795 services, designate the certification subject areas, establish
1796 competencies, including the use of technology to enhance student
1797 learning, and certification requirements for all school-based
1798 personnel, and adopt rules in accordance with which the

20101368e1

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

1821 Section 34. Paragraphs (a) and (d) of subsection (1) of
1822 section 1013.62, Florida Statutes, are amended to read:

1823 1013.62 Charter schools capital outlay funding.—

1824 (1) In each year in which funds are appropriated for
1825 charter school capital outlay purposes, the Commissioner of
1826 Education shall allocate the funds among eligible charter
1827 schools.

20101368e1

1828 (a) To be eligible for a funding allocation, a charter
1829 school must:

1830 1.a. Have been in operation for 3 or more years;

1831 b. Be governed by a governing board established in the
1832 state for 3 or more years which operates both charter schools
1833 and conversion charter schools within the state;

1834 c. Be an expanded feeder chain of a charter school within
1835 the same school district that is currently receiving charter
1836 school capital outlay funds; or

1837 d. Have been accredited by the Commission on Schools of the
1838 Southern Association of Colleges and Schools.

1839 2. Have financial stability for future operation as a
1840 charter school.

1841 3. Have satisfactory student achievement based on state
1842 accountability standards applicable to the charter school.

1843 4. Have received final approval from its sponsor pursuant
1844 to s. 1002.33 for operation during that fiscal year.

1845 5. Serve students in facilities that are not provided by the
1846 charter school's sponsor.

1847 6. Serve students in facilities that are provided by a
1848 business partner for a charter school-in-the-workplace pursuant
1849 to s. 1002.33(15) (b) .

1850 (d) A charter school is not eligible for a funding
1851 allocation if it was created by the conversion of a public
1852 school and operates in facilities provided by the charter
1853 school's sponsor for a nominal fee, or at no charge, or if it is
1854 directly or indirectly operated by the school district.

1855 Section 35. Paragraph (a) of subsection (2) of section
1856 1013.64, Florida Statutes, is amended to read:

20101368e1

1857 1013.64 Funds for comprehensive educational plant needs;
1858 construction cost maximums for school district capital
1859 projects.—Allocations from the Public Education Capital Outlay
1860 and Debt Service Trust Fund to the various boards for capital
1861 outlay projects shall be determined as follows:

1862 (2) (a) The department shall establish, as a part of the
1863 Public Education Capital Outlay and Debt Service Trust Fund, a
1864 separate account, in an amount determined by the Legislature, to
1865 be known as the "Special Facility Construction Account." The
1866 Special Facility Construction Account shall be used to provide
1867 necessary construction funds to school districts which have
1868 urgent construction needs but which lack sufficient resources at
1869 present, and cannot reasonably anticipate sufficient resources
1870 within the period of the next 3 years, for these purposes from
1871 currently authorized sources of capital outlay revenue. A school
1872 district requesting funding from the Special Facility
1873 Construction Account shall submit one specific construction
1874 project, not to exceed one complete educational plant, to the
1875 Special Facility Construction Committee. No district shall
1876 receive funding for more than one approved project in any 5-year
1877 ~~3-year~~ period. The first year of the 5-year ~~3-year~~ period shall
1878 be the first year a district receives an appropriation. The
1879 department shall encourage a construction program that reduces
1880 the average size of schools in the district. The request must
1881 meet the following criteria to be considered by the committee:

1882 1. The project must be deemed a critical need and must be
1883 recommended for funding by the Special Facility Construction
1884 Committee. Prior to developing plans for the proposed facility,
1885 the district school board must request a preapplication review

20101368e1

1886 by the Special Facility Construction Committee or a project
1887 review subcommittee convened by the committee to include two
1888 representatives of the department and two staff from school
1889 districts not eligible to participate in the program. Within 60
1890 days after receiving the preapplication review request, the
1891 committee or subcommittee must meet in the school district to
1892 review the project proposal and existing facilities. To
1893 determine whether the proposed project is a critical need, the
1894 committee or subcommittee shall consider, at a minimum, the
1895 capacity of all existing facilities within the district as
1896 determined by the Florida Inventory of School Houses; the
1897 district's pattern of student growth; the district's existing
1898 and projected capital outlay full-time equivalent student
1899 enrollment as determined by the department; the district's
1900 existing satisfactory student stations; the use of all existing
1901 district property and facilities; grade level configurations;
1902 and any other information that may affect the need for the
1903 proposed project.

1904 2. The construction project must be recommended in the most
1905 recent survey or surveys conducted and approved by the Office of
1906 Educational Facilities, in cooperation with ~~by~~ the district,
1907 under the rules of the State Board of Education.

1908 3. The construction project must appear on the district's
1909 approved project priority list under the rules of the State
1910 Board of Education.

1911 4. The district must have selected and had approved a site
1912 for the construction project in compliance with s. 1013.36 and
1913 the rules of the State Board of Education.

1914 5. The district shall have developed a district school

20101368e1

1915 board adopted list of facilities that do not exceed the norm for
1916 net square feet occupancy requirements under the State
1917 Requirements for Educational Facilities, using all possible
1918 programmatic combinations for multiple use of space to obtain
1919 maximum daily use of all spaces within the facility under
1920 consideration.

1921 6. Upon construction, the total cost per student station,
1922 including change orders, must not exceed the cost per student
1923 station as provided in subsection (6).

1924 7. There shall be an agreement signed by the district
1925 school board stating that it will advertise for bids within 30
1926 days of receipt of its encumbrance authorization from the
1927 department.

1928 8. The district must have levied during the prior 5 years
1929 and shall, at the time of the request and for a continuing
1930 period of 3 years, levy the maximum millage against their
1931 nonexempt assessed property value as allowed in s. 1011.71(2) or
1932 shall raise an equivalent amount of revenue from the school
1933 capital outlay surtax authorized under s. 212.055(6). Any
1934 district with a new or active project, funded under the
1935 provisions of this subsection, shall be required to budget no
1936 more than the value of 1.5 mills per year to the project to
1937 satisfy the annual participation requirement in the Special
1938 Facility Construction Account.

1939 9. If a contract has not been signed 90 days after the
1940 advertising of bids, the funding for the specific project shall
1941 revert to the Special Facility New Construction Account to be
1942 reallocated to other projects on the list. However, an
1943 additional 90 days may be granted by the commissioner.

20101368e1

1944 10. The department shall certify the inability of the
1945 district to fund the survey-recommended project over a
1946 continuous 3-year period using projected capital outlay revenue
1947 derived from s. 9(d), Art. XII of the State Constitution, as
1948 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1949 11. The district shall have on file with the department an
1950 adopted resolution acknowledging its 3-year commitment of all
1951 unencumbered and future revenue acquired from s. 9(d), Art. XII
1952 of the State Constitution, as amended, paragraph (3)(a) of this
1953 section, and s. 1011.71(2).

1954 12. Final phase III plans must be certified by the board as
1955 complete and in compliance with the building and life safety
1956 codes, and must be reviewed and approved by the Office of
1957 Educational Facilities, prior to August 1.

1958 Section 36. In order to implement Specific Appropriations
1959 6, 7, 8, 78, and 79 of the General Appropriations Act for the
1960 2010-2011 fiscal year, the calculations of the Florida Education
1961 Finance Program for the 2010-2011 fiscal year in the document
1962 entitled "Public School Funding - The Florida Education Finance
1963 Program," dated March 31, 2010, and filed with the Secretary of
1964 the Senate are incorporated by reference for the purpose of
1965 displaying the calculations used by the Legislature, consistent
1966 with requirements of the Florida Statutes, in making
1967 appropriations for the Florida Education Finance Program.

1968 Section 37. Except as otherwise expressly provided in this
1969 act, this act shall take effect July 1, 2010.