

HB 5101

2010

1 A bill to be entitled
2 An act relating to prekindergarten through grade 12
3 education funding; amending s. 212.055, F.S.; deleting the
4 requirement that a district school board imposing the
5 school capital outlay surtax implement a freeze on
6 noncapital local school property taxes; amending s.
7 216.292, F.S.; deleting provisions relating to the
8 transfer of certain funds for class size reduction;
9 amending s. 1001.451, F.S.; revising provisions relating
10 to the appropriation of funds for regional consortium
11 service organizations; amending s. 1002.32, F.S.; revising
12 and correcting a calculation relating to funding for lab
13 school operating purposes; amending s. 1002.33, F.S.;
14 revising provisions relating to the withholding of an
15 administrative fee for provision of services by the
16 sponsor of a charter school; amending s. 1002.37, F.S.;
17 revising and correcting a calculation relating to funding
18 for Florida Virtual School operating purposes; amending s.
19 1002.39, F.S.; revising provisions relating to private
20 school documentation for quarterly scholarship payments
21 under the John M. McKay Scholarships for Students with
22 Disabilities Program; amending ss. 1002.55 and 1002.63,
23 F.S.; increasing the maximum number of students and
24 revising the qualifications of prekindergarten instructors
25 in a school-year prekindergarten program class; requiring
26 district school boards to develop plans for meeting class
27 size requirements; requiring public hearings; amending s.
28 1003.03, F.S., contingent on voter approval of a joint

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 resolution that provides that the current limits on the
30 maximum number of students assigned to each teacher in
31 public school classrooms would become limits on the
32 average number of students assigned per class to each
33 teacher by specified grade grouping in each public school
34 beginning with the 2010-2011 school year; conforming
35 requirements for maximum class size to the joint
36 resolution; providing for Department of Education
37 calculations for implementation; providing an additional
38 implementation option; providing for a reduction in a
39 school district's class-size-reduction operating
40 categorical allocation if a school district's class size
41 exceeds the class size maximums; providing for contingent
42 and retroactive effect; amending s. 1003.03, F.S.,
43 contingent on the voters not approving a joint resolution
44 that provides that the current limits on the maximum
45 number of students assigned to each teacher in public
46 school classrooms would become limits on the average
47 number of students assigned per class to each teacher by
48 specified grade grouping in each public school beginning
49 with the 2010-2011 school year; providing for Department
50 of Education calculations for implementation; providing an
51 additional implementation option; providing for a
52 reduction in a school district's class-size-reduction
53 operating categorical allocation if a school district's
54 class size exceeds the class size maximums; providing for
55 contingent and retroactive effect; creating s. 1003.572,
56 F.S.; requiring each district school board to annually

57 | report information relating to gifted students and the
58 | education services provided to such students; requiring
59 | the State Board of Education to adopt rules; creating s.
60 | 1006.281, F.S.; encouraging school districts to have
61 | access to electronic learning management systems with
62 | certain functionality; amending s. 1006.29, F.S.; revising
63 | items considered instructional materials for purposes of
64 | state adoption; providing that certain instructional
65 | materials shall be available as separate and unbundled
66 | items; amending s. 1006.33, F.S.; requiring that certain
67 | instructional materials shall primarily be adopted and
68 | delivered in electronic format; providing for electronic
69 | samples of instructional materials; amending s. 1006.40,
70 | F.S.; revising provisions relating to the use of
71 | allocations for instructional materials; amending s.
72 | 1007.27, F.S.; providing that certain students shall be
73 | deemed authorized users of specified state-funded
74 | electronic library resources; requiring the State Board of
75 | Education and the Board of Governors to adopt rules;
76 | amending s. 1011.62, F.S.; revising the calculation of and
77 | appropriation for additional full-time equivalent
78 | membership for students who complete an industry-certified
79 | career and professional academy program; revising
80 | calculations for school district required local effort;
81 | revising provisions relating to the transfer of
82 | categorical funds for certain purposes; providing
83 | requirements for the use of categorical funds for the
84 | purchase of technological equipment; revising the

85 calculation for determination of the sparsity supplement;
 86 providing a restriction on certain calculations for
 87 allocation of state funds to a school district for current
 88 operation; amending s. 1011.67, F.S.; deleting certain
 89 requirements for distribution of funds for instructional
 90 materials to school districts; amending s. 1011.68, F.S.;
 91 revising a calculation for allocation of funds for student
 92 transportation to school districts; amending s. 1011.71,
 93 F.S.; requiring that the levy of certain school district
 94 millage must be approved by voters at specified elections;
 95 providing restrictions; amending s. 1011.73, F.S.;
 96 correcting a cross-reference; amending s. 1013.64, F.S.;
 97 revising criteria that must be met for a school district
 98 request for funding from the Special Facility Construction
 99 Account; revising the composition of the Special Facility
 100 Construction Committee; providing effective dates.

101

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

103

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

106 212.055 Discretionary sales surtaxes; legislative intent;
 107 authorization and use of proceeds.—It is the legislative intent
 108 that any authorization for imposition of a discretionary sales
 109 surtax shall be published in the Florida Statutes as a
 110 subsection of this section, irrespective of the duration of the
 111 levy. Each enactment shall specify the types of counties
 112 authorized to levy; the rate or rates which may be imposed; the

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113 maximum length of time the surtax may be imposed, if any; the
 114 procedure which must be followed to secure voter approval, if
 115 required; the purpose for which the proceeds may be expended;
 116 and such other requirements as the Legislature may provide.
 117 Taxable transactions and administrative procedures shall be as
 118 provided in s. 212.054.

119 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

120 ~~(d) Any school board imposing the surtax shall implement a~~
 121 ~~freeze on noncapital local school property taxes, at the millage~~
 122 ~~rate imposed in the year prior to the implementation of the~~
 123 ~~surtax, for a period of at least 3 years from the date of~~
 124 ~~imposition of the surtax. This provision shall not apply to~~
 125 ~~existing debt service or taxes authorized in the General~~
 126 ~~Appropriations Act.~~

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

130 Section 2. Paragraph (d) of subsection (2) of section
 131 216.292, Florida Statutes, is amended to read:

132 216.292 Appropriations nontransferable; exceptions.—

133 (2) The following transfers are authorized to be made by
 134 the head of each department or the Chief Justice of the Supreme
 135 Court whenever it is deemed necessary by reason of changed
 136 conditions:

137 ~~(d) The transfer of funds by the Executive Office of the~~
 138 ~~Governor from appropriations for public school operations to a~~
 139 ~~fixed capital outlay appropriation for class size reduction~~
 140 ~~based on recommendations of the Florida Education Finance~~

141 ~~Program Appropriation Allocation Conference or the Legislative~~
 142 ~~Budget Commission pursuant to s. 1003.03(4)(a). Actions by the~~
 143 ~~Governor under this subsection are subject to the notice and~~
 144 ~~review provisions of s. 216.177.~~

145 Section 3. Paragraph (c) of subsection (2) of section
 146 1001.451, Florida Statutes, is amended to read:

147 1001.451 Regional consortium service organizations.—In
 148 order to provide a full range of programs to larger numbers of
 149 students, minimize duplication of services, and encourage the
 150 development of new programs and services:

151 (2)

152 (c) Notwithstanding paragraph (a), ~~the appropriation for~~
 153 ~~the 2009-2010 fiscal year may be less than \$50,000 per school~~
 154 ~~district and eligible member.~~ if the amount appropriated is
 155 insufficient to provide \$50,000, the funds available must be
 156 prorated among all eligible districts and members. ~~This~~
 157 ~~paragraph expires July 1, 2010.~~

158 Section 4. Paragraphs (d) and (e) of subsection (9) of
 159 section 1002.32, Florida Statutes, are amended to read:

160 1002.32 Developmental research (laboratory) schools.—

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

163 (d) Each lab school shall receive funds for operating
 164 purposes in an amount determined as follows: multiply the
 165 maximum allowable nonvoted discretionary millage for operations
 166 pursuant to s. 1011.71(1) and (3) by the value of 96 ~~95~~ percent
 167 of the current year's taxable value for school purposes for the
 168 district in which each lab school is located; divide the result

169 by the total full-time equivalent membership of the district;
 170 and multiply the result by the full-time equivalent membership
 171 of the lab school. The amount thus obtained shall be
 172 discretionary operating funds and shall be appropriated from
 173 state funds in the General Appropriations Act to the Lab School
 174 Trust Fund.

175 (e) Each lab school shall receive funds for capital
 176 improvement purposes in an amount determined as follows:
 177 multiply the maximum allowable nonvoted discretionary millage
 178 for capital improvements pursuant to s. 1011.71(2) by the value
 179 of 96 ~~95~~ percent of the current year's taxable value for school
 180 purposes for the district in which each lab school is located;
 181 divide the result by the total full-time equivalent membership
 182 of the district; and multiply the result by the full-time
 183 equivalent membership of the lab school. The amount thus
 184 obtained shall be discretionary capital improvement funds and
 185 shall be appropriated from state funds in the General
 186 Appropriations Act to the Lab School Educational Facility Trust
 187 Fund.

188 Section 5. Paragraph (a) of subsection (20) of section
 189 1002.33, Florida Statutes, is amended to read:

190 1002.33 Charter schools.—

191 (20) SERVICES.—

192 (a) A sponsor shall provide certain administrative and
 193 educational services to charter schools. These services shall
 194 include contract management services; full-time equivalent and
 195 data reporting services; exceptional student education
 196 administration services; services related to eligibility and

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197 reporting duties required to ensure that school lunch services
198 under the federal lunch program, consistent with the needs of
199 the charter school, are provided by the school district at the
200 request of the charter school, that any funds due to the charter
201 school under the federal lunch program be paid to the charter
202 school as soon as the charter school begins serving food under
203 the federal lunch program, and that the charter school is paid
204 at the same time and in the same manner under the federal lunch
205 program as other public schools serviced by the sponsor or the
206 school district; test administration services, including payment
207 of the costs of state-required or district-required student
208 assessments; processing of teacher certificate data services;
209 and information services, including equal access to student
210 information systems that are used by public schools in the
211 district in which the charter school is located. Student
212 performance data for each student in a charter school,
213 including, but not limited to, FCAT scores, standardized test
214 scores, previous public school student report cards, and student
215 performance measures, shall be provided by the sponsor to a
216 charter school in the same manner provided to other public
217 schools in the district. A total administrative fee for the
218 provision of such services shall be calculated based upon up to
219 5 percent of the available funds defined in paragraph (17)(b)
220 for all students. However, a sponsor may only withhold up to a
221 5-percent administrative fee for enrollment for up to and
222 including 250 ~~500~~ students. For charter schools with a
223 population of 251 ~~501~~ or more students, the difference between
224 the total administrative fee calculation and the amount of the

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225 administrative fee withheld may only be used for capital outlay
 226 purposes specified in s. 1013.62(2). Each charter school shall
 227 receive 100 percent of the funds awarded to that school pursuant
 228 to s. 1012.225. Sponsors shall not charge charter schools any
 229 additional fees or surcharges for administrative and educational
 230 services in addition to the maximum 5-percent administrative fee
 231 withheld pursuant to this paragraph.

232 Section 6. Paragraph (f) of subsection (3) of section
 233 1002.37, Florida Statutes, is amended to read:

234 1002.37 The Florida Virtual School.—

235 (3) Funding for the Florida Virtual School shall be
 236 provided as follows:

237 (f) The Florida Virtual School shall receive funds for
 238 operating purposes in an amount determined as follows: multiply
 239 the maximum allowable nonvoted discretionary millage for
 240 operations pursuant to s. 1011.71(1) and (3) by the value of 96
 241 ~~95~~ percent of the current year's taxable value for school
 242 purposes for the state; divide the result by the total full-time
 243 equivalent membership of the state; and multiply the result by
 244 the full-time equivalent membership of the school. The amount
 245 thus obtained shall be discretionary operating funds and shall
 246 be appropriated from state funds in the General Appropriations
 247 Act.

248 Section 7. Paragraph (b) of subsection (8) of section
 249 1002.39, Florida Statutes, is amended to read:

250 1002.39 The John M. McKay Scholarships for Students with
 251 Disabilities Program.—There is established a program that is
 252 separate and distinct from the Opportunity Scholarship Program

253 and is named the John M. McKay Scholarships for Students with
 254 Disabilities Program.

255 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 256 eligible to participate in the John M. McKay Scholarships for
 257 Students with Disabilities Program, a private school may be
 258 sectarian or nonsectarian and must:

259 (b) Provide to the department all documentation required
 260 for a student's participation, including the private school's
 261 and student's fee schedules, at least 30 days before any ~~the~~
 262 ~~first~~ quarterly scholarship payment is made for the student
 263 pursuant to paragraph (10)(e). A student is not eligible to
 264 receive a quarterly scholarship payment if the private school
 265 fails to meet this deadline.

266
 267 The inability of a private school to meet the requirements of
 268 this subsection shall constitute a basis for the ineligibility
 269 of the private school to participate in the scholarship program
 270 as determined by the department.

271 Section 8. Paragraph (f) of subsection (3) of section
 272 1002.55, Florida Statutes, is amended to read:

273 1002.55 School-year prekindergarten program delivered by
 274 private prekindergarten providers.—

275 (3) To be eligible to deliver the prekindergarten program,
 276 a private prekindergarten provider must meet each of the
 277 following requirements:

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

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281 health and safety of students, each private prekindergarten
 282 provider must also provide appropriate adult supervision for
 283 students at all times and, for each prekindergarten class
 284 composed of 13 ~~11~~ or more students, must have, ~~in addition to a~~
 285 ~~prekindergarten instructor who meets the requirements of~~
 286 ~~paragraph (c),~~ at least two ~~one adult~~ prekindergarten
 287 instructors ~~instructor who is not required to meet the those~~
 288 ~~requirements but who must meet each requirement of paragraph (c)~~
 289 ~~(d)~~. This paragraph does not supersede any requirement imposed
 290 on a provider under ss. 402.301-402.319.

291 Section 9. Subsection (7) of section 1002.63, Florida
 292 Statutes, is amended to read:

293 1002.63 School-year prekindergarten program delivered by
 294 public schools.—

295 (7) Each prekindergarten class in a public school
 296 delivering the school-year prekindergarten program must be
 297 composed of at least 4 students but may not exceed 24 ~~18~~
 298 students. In order to protect the health and safety of students,
 299 each school must also provide appropriate adult supervision for
 300 students at all times and, for each prekindergarten class
 301 composed of 13 ~~11~~ or more students, must have at least two, ~~in~~
 302 ~~addition to a prekindergarten~~ instructors ~~instructor who meet~~
 303 ~~meets~~ the requirements of s. 1002.55(3)(c), ~~at least one adult~~
 304 ~~prekindergarten instructor who is not required to meet those~~
 305 ~~requirements but who must meet each requirement of subsection~~
 306 ~~(5)~~.

307 Section 10. School district planning for meeting class
 308 size requirements.—

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309 (1) For school year 2010-2011, each district school board
310 shall develop the following two plans:

311 (a) A plan based on the current requirements of s. 1, Art.
312 IX of the State Constitution to be implemented at the beginning
313 of the school year and continued if Senate Joint Resolution 2 or
314 House Joint Resolution 7039, amending s. 1, Art. IX of the State
315 Constitution, is not approved at the 2010 general election.

316 (b) A contingency plan based on the requirements of Senate
317 Joint Resolution 2 or House Joint Resolution 7039, amending s.
318 1, Art. IX of the State Constitution, to be implemented at the
319 discretion of the district school board if Senate Joint
320 Resolution 2 or House Joint Resolution 7039 is approved at the
321 2010 general election.

322 (2) Prior to the adoption of the district school budget
323 for 2010-2011, each district school board shall hold public
324 hearings and provide information to parents on the district's
325 website, and through any other means by which the district
326 provides information to parents and the public, on the
327 district's plans required in subsection (1), including, but not
328 limited to:

329 (a) A review of school attendance zones in order to ensure
330 maximum use of facilities while minimizing the additional use of
331 transportation in order to comply with the class size
332 requirements.

333 (b) The impact on the district's budget for the district
334 to comply with the class size requirements.

335 (c) The potential impact on the district's budget if the
336 district fails to comply with the class size requirements.

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337 (3) School districts that are in compliance with the class
338 size requirements in s. 1, Art. IX of the State Constitution as
339 of the 2009-2010 school year are exempt from the requirements of
340 this section.

341 Section 11. Upon approval by the electors of Senate Joint
342 Resolution 2 or House Joint Resolution 7039 in the 2010 general
343 election and retroactive to the beginning of the 2010-2011
344 school year, subsections (1) through (4) of section 1003.03,
345 Florida Statutes, are amended to read:

346 1003.03 Maximum class size.—

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

350 (a) The average number of students at the school level
351 assigned to each teacher who is teaching core-curricula courses
352 in public school classrooms for prekindergarten through grade 3
353 may not exceed 18 students and the maximum number of students
354 assigned to a teacher in an individual classroom may not exceed
355 21 students.

356 (b) The average number of students at the school level
357 assigned to each teacher who is teaching core-curricula courses
358 in public school classrooms for grades 4 through 8 may not
359 exceed 22 students and the maximum number of students assigned
360 to a teacher in an individual classroom may not exceed 27
361 students.

362 (c) The average number of students at the school level
363 assigned to each teacher who is teaching core-curricula courses
364 in public school classrooms for grades 9 through 12 may not

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365 exceed 25 students and the maximum number of students assigned
366 to a teacher in an individual classroom may not exceed 30
367 students.

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

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

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

378 (2) IMPLEMENTATION.—

379 (a) The Department of Education shall calculate the 2010-
380 2011 class size as described in subsection (1) based upon the
381 February 2011 student membership survey. The calculation for
382 compliance for each of the three grade groupings shall be the
383 number of students assigned to each teacher in an individual
384 classroom. Each teacher assigned to an individual classroom
385 shall be included in the calculation for compliance.

386 (b) Effective with the beginning of the 2011-2012 school
387 year, and annually thereafter, the Department of Education shall
388 calculate class size as described in subsection (1) based on the
389 October student membership survey. The calculation for
390 compliance for each of the three grade groupings shall be the
391 number of students assigned to each teacher in an individual
392 classroom. Each teacher assigned to an individual classroom

393 shall be included in the calculation for compliance.

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

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

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

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

408 ~~3. For fiscal year 2010-2011 and thereafter, the~~
409 ~~calculation for compliance shall be at the individual classroom~~
410 ~~level.~~

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

414 ~~(c) The Department of Education shall annually calculate~~
415 ~~each of the three average class size measures defined in~~
416 ~~paragraphs (a) and (b) based upon the October student membership~~
417 ~~survey. For purposes of determining the baseline from which each~~
418 ~~district's average class size must be reduced for the 2003-2004~~
419 ~~school year, the department shall use data from the February~~
420 ~~2003 student membership survey updated to include classroom~~

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

422 ~~(d) Prior to the adoption of the district school budget~~
423 ~~for 2004-2005, each district school board shall hold public~~
424 ~~hearings to review school attendance zones in order to ensure~~
425 ~~maximum use of facilities while minimizing the additional use of~~
426 ~~transportation in order to comply with the two-student-per-year~~
427 ~~reduction required in paragraph (a). School districts that meet~~
428 ~~the constitutional class size maximums described in subsection~~
429 ~~(1) are exempt from this requirement.~~

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

435 (a) Adopt policies to encourage qualified students to take
436 dual enrollment courses.

437 (b) Adopt policies to encourage students to take courses
438 from the Florida Virtual School or participate in the school
439 district virtual instruction program.

440 (c)1. Repeal district school board policies that require
441 students to have more than 24 credits to graduate from high
442 school.

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

446 (d) Use methods to maximize use of instructional staff,
447 such as changing required teaching loads and scheduling of
448 planning periods, deploying district employees that have

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449 professional certification to the classroom, using adjunct
450 educators, or any other method not prohibited by law.

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

455 (f) Use joint-use facilities through partnerships with
456 community colleges, state universities, and private colleges and
457 universities. Joint-use facilities available for use as K-12
458 classrooms that do not meet the K-12 State Regulations for
459 Educational Facilities in the Florida Building Code may be used
460 at the discretion of the district school board provided that
461 such facilities meet all other health, life, safety, and fire
462 codes.

463 (g) Adopt alternative methods of class scheduling, such as
464 block scheduling.

465 (h) Redraw school attendance zones to maximize use of
466 facilities while minimizing the additional use of
467 transportation.

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

471 (j) Use year-round schools and other nontraditional
472 calendars that do not adversely impact annual assessment of
473 student achievement.

474 (k) Review and consider amending any collective bargaining
475 contracts that hinder the implementation of class size
476 reduction.

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

478 (4) ACCOUNTABILITY.—

479 (a) For the 2010-2011 school year, if at the time of the
 480 February 2011 student membership survey the school district's
 481 class size exceeds the maximums as described in subsection (1),
 482 the department shall:

483 1. Identify, for each grade group, the number of full-time
 484 equivalent students that exceeds the maximum number of students
 485 assigned to any teacher in an individual class.

486 2. Multiply the total number of full-time equivalent
 487 students that exceeds the maximum class size for each grade
 488 group by the district's full-time equivalent student dollar
 489 amount of the class-size-reduction operating categorical
 490 allocation for that year and calculate the total for all three
 491 grade groups.

492 3. Reduce the district's class-size-reduction operating
 493 categorical allocation by an amount equal to the calculation in
 494 subparagraph 2.

495 (b) For the 2011-2012 school year and annually thereafter,
 496 if at the time of the third Florida Education Finance Program
 497 calculation a school district's class size exceeds the maximums
 498 as described in subsection (1), the department shall reduce the
 499 district's class-size-reduction operating categorical allocation
 500 as calculated according to subparagraphs (a)1.-3.

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

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505 ~~calculate an amount from the class size reduction operating~~
506 ~~categories which is proportionate to the amount of class size~~
507 ~~reduction not accomplished. Upon verification of the~~
508 ~~department's calculation by the Florida Education Finance~~
509 ~~Program Appropriation Allocation Conference and not later than~~
510 ~~March 1 of each year, the Executive Office of the Governor shall~~
511 ~~transfer undistributed funds equivalent to the calculated amount~~
512 ~~from the district's class size reduction operating categories~~
513 ~~to an approved fixed capital outlay appropriation for class size~~
514 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
515 ~~The amount of funds transferred shall be the lesser of the~~
516 ~~amount verified by the Florida Education Finance Program~~
517 ~~Appropriation Allocation Conference or the undistributed balance~~
518 ~~of the district's class size reduction operating categories.~~

519 ~~2. In lieu of the transfer required by subparagraph 1.,~~
520 ~~the Commissioner of Education may recommend a budget amendment,~~
521 ~~subject to approval by the Legislative Budget Commission, to~~
522 ~~transfer an alternative amount of funds from the district's~~
523 ~~class size reduction operating categories to its approved fixed~~
524 ~~capital outlay account for class size reduction if the~~
525 ~~commissioner finds that the State Board of Education has~~
526 ~~reviewed evidence indicating that a district has been unable to~~
527 ~~meet class size reduction requirements despite appropriate~~
528 ~~effort to do so. The commissioner's budget amendment must be~~
529 ~~submitted to the Legislative Budget Commission by February 15 of~~
530 ~~each year.~~

531 ~~(c)3. For the 2007-2008 fiscal year and thereafter, If in~~
532 ~~any fiscal year funds from a district's class size operating~~

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533 categorical are required to be reduced in accordance with
534 paragraph (a) or paragraph (b) ~~transferred to its fixed capital~~
535 ~~outlay fund~~ and the district's class size operating categorical
536 allocation in the General Appropriations Act for that fiscal
537 year has been reduced by a subsequent appropriation, the
538 Commissioner of Education may recommend a 50-percent reduction
539 in the amount calculated in accordance with paragraph (a) or
540 paragraph (b) ~~of the transfer.~~

541 ~~(b) Beginning in the 2010-2011 fiscal year and each year~~
542 ~~thereafter, if the department determines that the number of~~
543 ~~students assigned to any individual class exceeds the class size~~
544 ~~maximum, as required in subsection (2), at the time of the third~~
545 ~~FEFP calculation, the department shall:~~

546 1. ~~Identify, for each grade group, the number of classes~~
547 ~~in which the enrollment exceeds the maximum, the number of~~
548 ~~students which exceeds the maximum for each class, and the total~~
549 ~~number of students which exceeds the maximum for all classes.~~

550 2. ~~Determine the number of full-time equivalent students~~
551 ~~which exceeds the maximum class size for each grade group.~~

552 3. ~~Multiply the total number of FTE students which exceeds~~
553 ~~the maximum class size for each grade group by the district's~~
554 ~~FTE dollar amount of the class-size-reduction allocation for~~
555 ~~that year and calculate the total for all three grade groups.~~

556 4. ~~Reduce the district's class-size-reduction operating~~
557 ~~categorical allocation by an amount equal to the sum of the~~
558 ~~calculation in subparagraph 3.~~

559 (d) ~~(e)~~ Upon verification of the department's calculation
560 by the Florida Education Finance Program Appropriation

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561 Allocation Conference and no later than March 1 of each year,
562 the Executive Office of the Governor shall place these funds in
563 reserve, and the undistributed funds shall revert to the General
564 Revenue Fund unallocated at the end of the fiscal year. The
565 amount of funds reduced shall be the lesser of the amount
566 verified by the Florida Education Finance Program Appropriation
567 Allocation Conference or the undistributed balance of the
568 district's class-size-reduction operating categorical
569 allocation.

570 ~~(e)-(d)~~ In lieu of the reduction calculation in paragraph
571 (a) or paragraph (b), if the Commissioner of Education has
572 evidence that a district has been unable to meet the class size
573 requirements, despite the appropriate efforts of the district,
574 due to an extreme emergency or other causes beyond the control
575 of the district, he or she may recommend a budget amendment,
576 subject to approval of the Legislative Budget Commission, to
577 reduce an alternative amount of funds from the district's class-
578 size-reduction operating categorical allocation. The
579 commissioner's budget amendment must be submitted to the
580 Legislative Budget Commission by February 15 of each year.

581 ~~(e) In addition to the calculation required in paragraph~~
582 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
583 ~~fiscal year, the department shall also prepare a simulated~~
584 ~~calculation based on the requirements in paragraphs (b) and (c).~~
585 ~~This simulated calculation shall be provided to the school~~
586 ~~districts and the Legislature.~~

587 Section 12. If the electors do not approve Senate Joint
588 Resolution 2 or House Joint Resolution 7039 in the 2010 general

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589 | election, subsections (2) through (4) of section 1003.03,
 590 | Florida Statutes, are amended, retroactive to July 1, 2010, to
 591 | read:

592 | 1003.03 Maximum class size.—

593 | (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1,
 594 | Art. IX of the State Constitution, beginning in the 2010-2011
 595 | school year:

596 | (a) The maximum number of students assigned to each
 597 | teacher who is teaching core-curricula courses in public school
 598 | classrooms for prekindergarten through grade 3 may not exceed 18
 599 | students.

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

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

606 | (2) IMPLEMENTATION.—

607 | (a) The Department of Education shall calculate the 2010-
 608 | 2011 class size as described in subsection (1) based upon the
 609 | February 2011 student membership survey. The calculation for
 610 | compliance for each of the three grade groupings shall be the
 611 | number of students assigned to each teacher in an individual
 612 | classroom. Each teacher assigned to an individual classroom
 613 | shall be included in the calculation for compliance.

614 | (b) Effective with the beginning of the 2011-2012 school
 615 | year, and annually thereafter, the Department of Education shall
 616 | calculate class size as described in subsection (1) based on the

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617 October student membership survey. The calculation for
618 compliance for each of the three grade groupings shall be the
619 number of students assigned to each teacher in an individual
620 classroom. Each teacher assigned to an individual classroom
621 shall be included in the calculation for compliance.

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

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

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

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

636 ~~3. For fiscal year 2010-2011 and thereafter, the~~
637 ~~calculation for compliance shall be at the individual classroom~~
638 ~~level.~~

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

642 ~~(c) The Department of Education shall annually calculate~~
643 ~~each of the three average class size measures defined in~~
644 ~~paragraphs (a) and (b) based upon the October student membership~~

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645 ~~survey. For purposes of determining the baseline from which each~~
646 ~~district's average class size must be reduced for the 2003-2004~~
647 ~~school year, the department shall use data from the February~~
648 ~~2003 student membership survey updated to include classroom~~
649 ~~identification numbers as required by the department.~~

650 ~~(d) Prior to the adoption of the district school budget~~
651 ~~for 2004-2005, each district school board shall hold public~~
652 ~~hearings to review school attendance zones in order to ensure~~
653 ~~maximum use of facilities while minimizing the additional use of~~
654 ~~transportation in order to comply with the two student per year~~
655 ~~reduction required in paragraph (a). School districts that meet~~
656 ~~the constitutional class size maximums described in subsection~~
657 ~~(1) are exempt from this requirement.~~

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

663 (a) Adopt policies to encourage qualified students to take
664 dual enrollment courses.

665 (b) Adopt policies to encourage students to take courses
666 from the Florida Virtual School or participate in the school
667 district virtual instruction program.

668 (c)1. Repeal district school board policies that require
669 students to have more than 24 credits to graduate from high
670 school.

671 2. Adopt policies to allow students to graduate from high
672 school as soon as they pass the grade 10 FCAT and complete the

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673 | courses required for high school graduation.

674 | (d) Use methods to maximize use of instructional staff,
675 | such as changing required teaching loads and scheduling of
676 | planning periods, deploying district employees that have
677 | professional certification to the classroom, using adjunct
678 | educators, or any other method not prohibited by law.

679 | (e) Use innovative methods to reduce the cost of school
680 | construction by using prototype school designs, using SMART
681 | Schools designs, participating in the School Infrastructure
682 | Thrift Program, or any other method not prohibited by law.

683 | (f) Use joint-use facilities through partnerships with
684 | community colleges, state universities, and private colleges and
685 | universities. Joint-use facilities available for use as K-12
686 | classrooms that do not meet the K-12 State Regulations for
687 | Educational Facilities in the Florida Building Code may be used
688 | at the discretion of the district school board provided that
689 | such facilities meet all other health, life, safety, and fire
690 | codes.

691 | (g) Adopt alternative methods of class scheduling, such as
692 | block scheduling.

693 | (h) Redraw school attendance zones to maximize use of
694 | facilities while minimizing the additional use of
695 | transportation.

696 | (i) Operate schools beyond the normal operating hours to
697 | provide classes in the evening or operate more than one session
698 | of school during the day.

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

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701 student achievement.

702 (k) Review and consider amending any collective bargaining
703 contracts that hinder the implementation of class size
704 reduction.

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

706 (4) ACCOUNTABILITY.—

707 (a) For the 2010-2011 school year, if at the time of the
708 February 2011 student membership survey the school district's
709 class size exceeds the maximums as described in subsection (1),
710 the department shall:

711 1. Identify, for each grade group, the number of full-time
712 equivalent students that exceeds the maximum number of students
713 assigned to any teacher in an individual class.

714 2. Multiply the total number of full-time equivalent
715 students that exceeds the maximum class size for each grade
716 group by the district's full-time equivalent student dollar
717 amount of the class-size-reduction operating categorical
718 allocation for that year and calculate the total for all three
719 grade groups.

720 3. Reduce the district's class-size-reduction operating
721 categorical allocation by an amount equal to the calculation in
722 subparagraph 2.

723 (b) For the 2011-2012 school year and annually thereafter,
724 if at the time of the third Florida Education Finance Program
725 calculation a school district's class size exceeds the maximums
726 as described in subsection (1), the department shall reduce the
727 district's class-size-reduction operating categorical allocation
728 as calculated according to subparagraphs (a)1.-3.

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729 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
730 ~~department determines for any year that a school district has~~
731 ~~not reduced average class size as required in subsection (2) at~~
732 ~~the time of the third FEFP calculation, the department shall~~
733 ~~calculate an amount from the class size reduction operating~~
734 ~~categorical which is proportionate to the amount of class size~~
735 ~~reduction not accomplished. Upon verification of the~~
736 ~~department's calculation by the Florida Education Finance~~
737 ~~Program Appropriation Allocation Conference and not later than~~
738 ~~March 1 of each year, the Executive Office of the Governor shall~~
739 ~~transfer undistributed funds equivalent to the calculated amount~~
740 ~~from the district's class size reduction operating categorical~~
741 ~~to an approved fixed capital outlay appropriation for class size~~
742 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
743 ~~The amount of funds transferred shall be the lesser of the~~
744 ~~amount verified by the Florida Education Finance Program~~
745 ~~Appropriation Allocation Conference or the undistributed balance~~
746 ~~of the district's class size reduction operating categorical.~~

747 ~~2. In lieu of the transfer required by subparagraph 1.,~~
748 ~~the Commissioner of Education may recommend a budget amendment,~~
749 ~~subject to approval by the Legislative Budget Commission, to~~
750 ~~transfer an alternative amount of funds from the district's~~
751 ~~class size reduction operating categorical to its approved fixed~~
752 ~~capital outlay account for class size reduction if the~~
753 ~~commissioner finds that the State Board of Education has~~
754 ~~reviewed evidence indicating that a district has been unable to~~
755 ~~meet class size reduction requirements despite appropriate~~
756 ~~effort to do so. The commissioner's budget amendment must be~~

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757 ~~submitted to the Legislative Budget Commission by February 15 of~~
758 ~~each year.~~

759 (c)3. ~~For the 2007-2008 fiscal year and thereafter,~~ If in
760 any fiscal year funds from a district's class size operating
761 categorical are required to be reduced in accordance with
762 paragraph (a) or paragraph (b) transferred to its fixed capital
763 outlay fund and the district's class size operating categorical
764 allocation in the General Appropriations Act for that fiscal
765 year has been reduced by a subsequent appropriation, the
766 Commissioner of Education may recommend a 50-percent reduction
767 in the amount calculated in accordance with paragraph (a) or
768 paragraph (b) of the transfer.

769 ~~(b) Beginning in the 2010-2011 fiscal year and each year~~
770 ~~thereafter, if the department determines that the number of~~
771 ~~students assigned to any individual class exceeds the class size~~
772 ~~maximum, as required in subsection (2), at the time of the third~~
773 ~~FEFP calculation, the department shall:~~

774 ~~1. Identify, for each grade group, the number of classes~~
775 ~~in which the enrollment exceeds the maximum, the number of~~
776 ~~students which exceeds the maximum for each class, and the total~~
777 ~~number of students which exceeds the maximum for all classes.~~

778 ~~2. Determine the number of full-time equivalent students~~
779 ~~which exceeds the maximum class size for each grade group.~~

780 ~~3. Multiply the total number of FTE students which exceeds~~
781 ~~the maximum class size for each grade group by the district's~~
782 ~~FTE dollar amount of the class-size-reduction allocation for~~
783 ~~that year and calculate the total for all three grade groups.~~

784 ~~4. Reduce the district's class-size-reduction operating~~

785 ~~ategorical allocation by an amount equal to the sum of the~~
 786 ~~calculation in subparagraph 3.~~

787 (d)~~(e)~~ Upon verification of the department's calculation
 788 by the Florida Education Finance Program Appropriation
 789 Allocation Conference and no later than March 1 of each year,
 790 the Executive Office of the Governor shall place these funds in
 791 reserve, and the undistributed funds shall revert to the General
 792 Revenue Fund unallocated at the end of the fiscal year. The
 793 amount of funds reduced shall be the lesser of the amount
 794 verified by the Florida Education Finance Program Appropriation
 795 Allocation Conference or the undistributed balance of the
 796 district's class-size-reduction operating categorical
 797 allocation.

798 (e)~~(d)~~ In lieu of the reduction calculation in paragraph
 799 (a) or paragraph (b), if the Commissioner of Education has
 800 evidence that a district has been unable to meet the class size
 801 requirements, despite the appropriate efforts of the district,
 802 due to an extreme emergency or other causes beyond the control
 803 of the district, he or she may recommend a budget amendment,
 804 subject to approval of the Legislative Budget Commission, to
 805 reduce an alternative amount of funds from the district's class-
 806 size-reduction operating categorical allocation. The
 807 commissioner's budget amendment must be submitted to the
 808 Legislative Budget Commission by February 15 of each year.

809 ~~(e) In addition to the calculation required in paragraph~~
 810 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
 811 ~~fiscal year, the department shall also prepare a simulated~~
 812 ~~calculation based on the requirements in paragraphs (b) and (c).~~

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813 ~~This simulated calculation shall be provided to the school~~
814 ~~districts and the Legislature.~~

815 Section 13. Section 1003.572, Florida Statutes, is created
816 to read:

817 1003.572 Gifted student education.—

818 (1) For students in kindergarten through grade 12, each
819 district school board shall annually report to the department by
820 school and grade level:

821 (a) The number of students classified as gifted. Such
822 reporting shall separately identify the number of students
823 classified as gifted under generally applicable criteria set
824 forth in State Board of Education rule and under a department-
825 approved school district plan for increasing the participation
826 of underrepresented groups.

827 (b) The types of gifted student education services that it
828 provides and the number of students receiving each service. Such
829 reporting shall:

830 1. Separately identify gifted student education services
831 that provide: direct instruction to a class consisting only of
832 gifted students; differentiated instruction for gifted students
833 within a class that also includes students who are not gifted;
834 and noninstructional consultation services.

835 2. Indicate the number of hours per week that each service
836 identified under subparagraph 1. is provided to each gifted
837 student and if the service is provided by a teacher who has
838 received the gifted endorsement under State Board of Education
839 rule.

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840 (c) Performance data for students receiving gifted student
841 education services.

842 (2) When reporting the number of students under subsection
843 (1), district school boards shall classify students according to
844 race, ethnicity, limited English proficient status, and free or
845 reduced-price lunch eligibility status under the National School
846 Lunch Act.

847 (3) The department shall develop data elements to
848 facilitate district school board reporting under subsection (1).

849 (4) The State Board of Education shall adopt rules
850 pursuant to ss. 120.536(1) and 120.54 to implement this section.

851 Section 14. Section 1006.281, Florida Statutes, is created
852 to read:

853 1006.281 Electronic learning management systems.—

854 (1) To ensure that all school districts have equitable
855 access to digitally rich instructional materials, districts are
856 encouraged to have access to an electronic learning management
857 system that allows teachers, staff, students, and parents to
858 access, organize, and utilize electronically available
859 instructional materials and teaching and learning tools and
860 resources and enables teachers to manage, assess, and track
861 student learning.

862 (2) To the extent fiscally and technologically feasible, a
863 school district's electronic learning management system should
864 allow for a single, authenticated sign-on that includes the
865 following functionality:

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

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868 (b) Enables teachers to prepare lessons, individualize
 869 student instruction, and utilize best practices for providing
 870 instruction.

871 (c) Provides communication, including access to up-to-date
 872 student performance data, to help teachers and parents better
 873 serve the needs of students.

874 (d) Provides access for administrators to ensure quality
 875 of instruction in every classroom.

876 (3) The Department of Education shall provide assistance
 877 as requested by school districts in the deployment of a district
 878 electronic learning management system.

879 Section 15. Subsection (4) of section 1006.29, Florida
 880 Statutes, is amended to read:

881 1006.29 State instructional materials committees.—

882 (4) For purposes of state adoption, "instructional
 883 materials" means items having intellectual content that by
 884 design serve as a major tool for assisting in the instruction of
 885 a subject or course. These items may be available in bound,
 886 unbound, kit, or package form and may consist of hardbacked, ~~or~~
 887 softbacked, or electronic textbooks, consumables, learning
 888 laboratories, manipulatives, electronic media, and computer
 889 courseware or software. A publisher or manufacturer providing
 890 instructional materials as a single bundle shall also make the
 891 instructional materials available as separate and unbundled
 892 items, each priced individually. ~~The term does not include~~
 893 ~~electronic or computer hardware even if such hardware is bundled~~
 894 ~~with software or other electronic media, nor does it include~~
 895 ~~equipment or supplies.~~

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896 Section 16. Paragraphs (a) and (b) of subsection (1) of
897 section 1006.33, Florida Statutes, are amended to read:

898 1006.33 Bids or proposals; advertisement and its
899 contents.—

900 (1) (a) Beginning on or before May 15 of any year in which
901 an instructional materials adoption is to be initiated, the
902 department shall advertise in the Florida Administrative Weekly
903 4 weeks preceding the date on which the bids shall be received,
904 that at a certain designated time, not later than June 15,
905 sealed bids or proposals to be deposited with the department
906 will be received from publishers or manufacturers for the
907 furnishing of instructional materials proposed to be adopted as
908 listed in the advertisement beginning April 1 following the
909 adoption. Instructional materials adopted after 2012-2013 for
910 students in grades 9 through 12 shall primarily be adopted and
911 delivered in electronic format.

912 (b) Beginning in the 2010-2011 fiscal year, the
913 advertisement shall state that each bidder shall furnish
914 electronic specimen copies of all instructional materials
915 submitted, at a time designated by the department, which
916 specimen copies shall be identical with the copies approved and
917 accepted by the members of the state instructional materials
918 committee, as prescribed in this section, and with the copies
919 furnished to the department and district school superintendents,
920 as provided in this part. Any district school superintendent who
921 requires samples in addition to samples in electronic format
922 must request those samples through the department.

923 Section 17. Subsection (4) of section 1006.40, Florida

924 Statutes, is amended to read:

925 1006.40 Use of instructional materials allocation;
 926 instructional materials, library books, and reference books;
 927 repair of books.—

928 (4) The funds described in subsection (3) which district
 929 school boards may use to purchase materials not on the state-
 930 adopted list shall be used for the purchase of instructional
 931 materials or other items having intellectual content which
 932 assist in the instruction of a subject or course. These items
 933 may be available in bound, unbound, kit, or package form and may
 934 consist of hardbacked, ~~or~~ softbacked, or electronic textbooks,
 935 replacements for items which were part of previously purchased
 936 instructional materials, consumables, learning laboratories,
 937 manipulatives, electronic media, computer courseware or
 938 software, and other commonly accepted instructional tools as
 939 prescribed by district school board rule. Beginning with the
 940 2012-2013 fiscal year, the funds available to district school
 941 boards for the purchase of materials not on the state-adopted
 942 list may ~~not~~ be used to purchase electronic or computer hardware
 943 ~~even~~ if such hardware is provided for the sole purpose of
 944 delivering instructional materials content in an electronic
 945 format. The funds provided for instructional materials ~~bundled~~
 946 ~~with software or other electronic media, nor may not such funds~~
 947 be used to purchase equipment or supplies. However, when
 948 authorized to do so in the General Appropriations Act, a school
 949 or district school board may use a portion of the funds
 950 available to it for the purchase of materials not on the state-
 951 adopted list to purchase science laboratory materials and

952 supplies.

953 Section 18. Subsection (1) of section 1007.27, Florida
 954 Statutes, is amended to read:

955 1007.27 Articulated acceleration mechanisms.—

956 (1) It is the intent of the Legislature that a variety of
 957 articulated acceleration mechanisms be available for secondary
 958 and postsecondary students attending public educational
 959 institutions. It is intended that articulated acceleration serve
 960 to shorten the time necessary for a student to complete the
 961 requirements associated with the conference of a high school
 962 diploma and a postsecondary degree, broaden the scope of
 963 curricular options available to students, or increase the depth
 964 of study available for a particular subject. Articulated
 965 acceleration mechanisms shall include, but not be limited to,
 966 dual enrollment as provided for in s. 1007.271, early admission,
 967 advanced placement, credit by examination, the International
 968 Baccalaureate Program, and the Advanced International
 969 Certificate of Education Program. Credit earned through the
 970 Florida Virtual School shall provide additional opportunities
 971 for early graduation and acceleration. Students in public
 972 secondary schools enrolled in courses pursuant to this
 973 subsection shall be deemed authorized users of the state-funded
 974 electronic library resources provided by Florida colleges and
 975 state universities pursuant to s. 1006.72. Verification of
 976 eligibility shall be in accordance with rules established by the
 977 State Board of Education and the Board of Governors and
 978 processes implemented by Florida colleges and state
 979 universities.

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980 Section 19. Paragraph (p) of subsection (1), paragraphs
 981 (a) and (b) of subsection (4), subsection (6), paragraph (d) of
 982 subsection (7), and paragraph (a) of subsection (12) of section
 983 1011.62, Florida Statutes, are amended to read:

984 1011.62 Funds for operation of schools.—If the annual
 985 allocation from the Florida Education Finance Program to each
 986 district for operation of schools is not determined in the
 987 annual appropriations act or the substantive bill implementing
 988 the annual appropriations act, it shall be determined as
 989 follows:

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

994 (p) Calculation of additional full-time equivalent
 995 membership based on certification of successful completion of
 996 industry-certified career and professional academy programs
 997 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
 998 in the Industry Certification ~~Certified~~ Funding List pursuant to
 999 rules adopted by the State Board of Education.—A value of 0.16
 1000 ~~0.3~~ full-time equivalent student membership shall be calculated
 1001 for each student who completes an industry-certified career and
 1002 professional academy program under ss. 1003.491, 1003.492, and
 1003 1003.493 and who is issued the highest level of industry
 1004 certification identified annually in the Industry Certification
 1005 Funding List approved under rules adopted by the State Board of
 1006 Education and a high school diploma. Such value shall be added
 1007 to the total full-time equivalent student membership in

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1008 secondary career education programs for grades 9 through 12 in
 1009 the subsequent year for courses that were not funded through
 1010 dual enrollment. The additional full-time equivalent membership
 1011 authorized under this paragraph may not exceed 0.16 ~~0.3~~ per
 1012 student. Unless a different amount is specified in the General
 1013 Appropriations Act, the appropriation for this calculation is
 1014 limited to \$8 ~~\$15~~ million annually. If the appropriation is
 1015 insufficient to fully fund the total calculation, the
 1016 appropriation shall be prorated.

1017 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 1018 Legislature shall prescribe the aggregate required local effort
 1019 for all school districts collectively as an item in the General
 1020 Appropriations Act for each fiscal year. The amount that each
 1021 district shall provide annually toward the cost of the Florida
 1022 Education Finance Program for kindergarten through grade 12
 1023 programs shall be calculated as follows:

1024 (a) Estimated taxable value calculations.—

1025 1.a. Not later than 2 working days prior to July 19, the
 1026 Department of Revenue shall certify to the Commissioner of
 1027 Education its most recent estimate of the taxable value for
 1028 school purposes in each school district and the total for all
 1029 school districts in the state for the current calendar year
 1030 based on the latest available data obtained from the local
 1031 property appraisers. The value certified shall be the taxable
 1032 value for school purposes for that year, and no further
 1033 adjustments shall be made, except those made pursuant to
 1034 paragraphs (c) and (d), or an assessment roll change required by
 1035 final judicial decisions as specified in paragraph (12) (b). Not

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1036 later than July 19, the Commissioner of Education shall compute
 1037 a millage rate, rounded to the next highest one one-thousandth
 1038 of a mill, which, when applied to 96 ~~95~~ percent of the estimated
 1039 state total taxable value for school purposes, would generate
 1040 the prescribed aggregate required local effort for that year for
 1041 all districts. The Commissioner of Education shall certify to
 1042 each district school board the millage rate, computed as
 1043 prescribed in this subparagraph, as the minimum millage rate
 1044 necessary to provide the district required local effort for that
 1045 year.

1046 b. The General Appropriations Act shall direct the
 1047 computation of the statewide adjusted aggregate amount for
 1048 required local effort for all school districts collectively from
 1049 ad valorem taxes to ensure that no school district's revenue
 1050 from required local effort millage will produce more than 90
 1051 percent of the district's total Florida Education Finance
 1052 Program calculation as calculated and adopted by the
 1053 Legislature, and the adjustment of the required local effort
 1054 millage rate of each district that produces more than 90 percent
 1055 of its total Florida Education Finance Program entitlement to a
 1056 level that will produce only 90 percent of its total Florida
 1057 Education Finance Program entitlement in the July calculation.

1058 2. On the same date as the certification in sub-
 1059 subparagraph 1.a., the Department of Revenue shall certify to
 1060 the Commissioner of Education for each district:

1061 a. Each year for which the property appraiser has
 1062 certified the taxable value pursuant to s. 193.122(2) or (3), if
 1063 applicable, since the prior certification under sub-subparagraph

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1064 1.a.

1065 b. For each year identified in sub-subparagraph a., the

1066 taxable value certified by the appraiser pursuant to s.

1067 193.122(2) or (3), if applicable, since the prior certification

1068 under sub-subparagraph 1.a. This is the certification that

1069 reflects all final administrative actions of the value

1070 adjustment board.

1071 (b) Equalization of required local effort.—

1072 1. The Department of Revenue shall include with its

1073 certifications provided pursuant to paragraph (a) its most

1074 recent determination of the assessment level of the prior year's

1075 assessment roll for each county and for the state as a whole.

1076 2. The Commissioner of Education shall adjust the required

1077 local effort millage of each district for the current year,

1078 computed pursuant to paragraph (a), as follows:

1079 a. The equalization factor for the prior year's assessment

1080 roll of each district shall be multiplied by 96 ~~95~~ percent of

1081 the taxable value for school purposes shown on that roll and by

1082 the prior year's required local-effort millage, exclusive of any

1083 equalization adjustment made pursuant to this paragraph. The

1084 dollar amount so computed shall be the additional required local

1085 effort for equalization for the current year.

1086 b. Such equalization factor shall be computed as the

1087 quotient of the prior year's assessment level of the state as a

1088 whole divided by the prior year's assessment level of the

1089 county, from which quotient shall be subtracted 1.

1090 c. The dollar amount of additional required local effort

1091 for equalization for each district shall be converted to a

1092 millage rate, based on 96 ~~95~~ percent of the current year's
 1093 taxable value for that district, and added to the required local
 1094 effort millage determined pursuant to paragraph (a).

1095 3. Notwithstanding the limitations imposed pursuant to s.
 1096 1011.71(1), the total required local-effort millage, including
 1097 additional required local effort for equalization, shall be an
 1098 amount not to exceed 10 minus the maximum millage allowed as
 1099 nonvoted discretionary millage, exclusive of millage authorized
 1100 pursuant to s. 1011.71(2). Nothing herein shall be construed to
 1101 allow a millage in excess of that authorized in s. 9, Art. VII
 1102 of the State Constitution.

1103 4. For the purposes of this chapter, the term "assessment
 1104 level" means the value-weighted mean assessment ratio for the
 1105 county or state as a whole, as determined pursuant to s.
 1106 195.096, or as subsequently adjusted. However, for those parcels
 1107 studied pursuant to s. 195.096(3)(a)1. which are receiving the
 1108 assessment limitation set forth in s. 193.155, and for which the
 1109 assessed value is less than the just value, the department shall
 1110 use the assessed value in the numerator and the denominator of
 1111 such assessment ratio. In the event a court has adjudicated that
 1112 the department failed to establish an accurate estimate of an
 1113 assessment level of a county and recomputation resulting in an
 1114 accurate estimate based upon the evidence before the court was
 1115 not possible, that county shall be presumed to have an
 1116 assessment level equal to that of the state as a whole.

1117 5. If, in the prior year, taxes were levied against an
 1118 interim assessment roll pursuant to s. 193.1145, the assessment
 1119 level and prior year's nonexempt assessed valuation used for the

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1120 purposes of this paragraph shall be those of the interim
 1121 assessment roll.

1122 (6) CATEGORICAL FUNDS.—

1123 (a) In addition to the basic amount for current operations
 1124 for the FEFP as determined in subsection (1), the Legislature
 1125 may appropriate categorical funding for specified programs,
 1126 activities, or purposes.

1127 (b) If a district school board finds and declares in a
 1128 resolution adopted at a regular meeting of the school board that
 1129 the funds received for any of the following categorical
 1130 appropriations are urgently needed to maintain school board
 1131 specified academic classroom instruction or to provide
 1132 technological equipment that supports student learning, the
 1133 school board may consider and approve an amendment to the school
 1134 district operating budget transferring the identified amount of
 1135 the categorical funds to the appropriate account for
 1136 expenditure:

- 1137 1. Funds for student transportation.
- 1138 2. Funds for safe schools.
- 1139 3. Funds for supplemental academic instruction.
- 1140 4. Funds for research-based reading instruction.
- 1141 5. Funds for instructional materials if all instructional
 1142 material purchases necessary to provide updated materials
 1143 aligned to the Next Generation Sunshine State Standards and
 1144 benchmarks pursuant to ss. 1006.28(1) and 1006.40(2)(a) have
 1145 been completed for that fiscal year, but no sooner than March 1,
 1146 2011 ~~2010~~.

1147 (c) As used in this subsection, the term "technological

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1148 equipment" is limited to hardware, devices, or equipment
1149 necessary for:

1150 1. Gaining access to or enhancing the use of an electronic
1151 textbook and other types of digitally rich instructional
1152 materials; or

1153 2. Facilitating access to and the use of a school
1154 district's electronic learning and data management systems that
1155 allow teachers, staff, students, and parents to have access to
1156 electronically available instructional materials and teaching
1157 and learning tools and resources.

1158
1159 Technological equipment purchased from categorical funds
1160 pursuant to this subsection must meet performance standards
1161 related to interactive functionality, capacity, and reliability
1162 as determined by the department. The department is encouraged to
1163 negotiate enterprise agreements with interested technological
1164 equipment vendors and service providers. By February 1, 2011,
1165 the department shall publish a list of recommended vendors and
1166 service providers. Districts choosing devices or services from
1167 vendors or providers not on the department's list may seek a
1168 waiver from the Commissioner of Education if their proposed
1169 purchases represent better value for the district.

1170 (d)-(e) Each district school board shall include in its
1171 annual financial report to the Department of Education the
1172 amount of funds the school board transferred from each of the
1173 categorical funds identified in this subsection and the specific
1174 academic classroom instruction for which the transferred funds
1175 were expended. The Department of Education shall provide

1176 instructions and specify the format to be used in submitting
 1177 this required information as a part of the district annual
 1178 financial report. The Department of Education shall submit a
 1179 report to the Legislature that identifies by district and by
 1180 categorical fund the amount transferred and the specific
 1181 academic classroom activity for which the funds were expended.

1182 (e)~~(d)~~ If a district school board transfers funds from its
 1183 research-based reading instruction allocation, the board must
 1184 also submit to the Department of Education an amendment
 1185 describing the changes that the district is making to its
 1186 reading plan approved pursuant to paragraph (9) (d).

1187 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1188 (d) Each district's allocation of sparsity supplement
 1189 funds shall be adjusted in the following manner:

1190 1. A maximum discretionary levy per FTE value for each
 1191 district shall be calculated by dividing the value of each
 1192 district's maximum discretionary levy by its FTE student count.

1193 2. A state average discretionary levy value per FTE shall
 1194 be calculated by dividing the total maximum discretionary levy
 1195 value for all districts by the state total FTE student count.

1196 3. A total potential funds per FTE for each district shall
 1197 be calculated by dividing the total potential funds, not
 1198 including Florida School Recognition Program funds, Merit Award
 1199 Program funds, and the minimum guarantee funds, for each
 1200 district by its FTE student count.

1201 4. A state average total potential funds per FTE shall be
 1202 calculated by dividing the total potential funds, not including
 1203 Florida School Recognition Program funds, Merit Award Program

1204 funds, and the minimum guarantee funds, for all districts by the
 1205 state total FTE student count.

1206 5. For districts that have a levy value per FTE as
 1207 calculated in subparagraph 1. higher than the state average
 1208 calculated in subparagraph 2., a sparsity wealth adjustment
 1209 shall be calculated as the product of the difference between the
 1210 state average levy value per FTE calculated in subparagraph 2.
 1211 and the district's levy value per FTE calculated in subparagraph
 1212 1. and the district's FTE student count and -1. However, no
 1213 district shall have a sparsity wealth adjustment that, when
 1214 applied to the total potential funds calculated in subparagraph
 1215 3., would cause the district's total potential funds per FTE to
 1216 be less than the state average calculated in subparagraph 4.

1217 6. Each district's sparsity supplement allocation shall be
 1218 calculated by adding the amount calculated as specified in
 1219 paragraphs (a) and (b) and the wealth adjustment amount
 1220 calculated in this paragraph.

1221 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 1222 CURRENT OPERATION.—The total annual state allocation to each
 1223 district for current operation for the FEFP shall be distributed
 1224 periodically in the manner prescribed in the General
 1225 Appropriations Act.

1226 (a) If the funds appropriated for current operation of the
 1227 FEFP are not sufficient to pay the state requirement in full,
 1228 the department shall prorate the available state funds to each
 1229 district in the following manner:

1230 1. Determine the percentage of proration by dividing the
 1231 sum of the total amount for current operation, as provided in

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1232 this paragraph for all districts collectively, and the total
 1233 district required local effort into the sum of the state funds
 1234 available for current operation and the total district required
 1235 local effort.

1236 2. Multiply the percentage so determined by the sum of the
 1237 total amount for current operation as provided in this paragraph
 1238 and the required local effort for each individual district.

1239 3. From the product of such multiplication, subtract the
 1240 required local effort of each district; and the remainder shall
 1241 be the amount of state funds allocated to the district for
 1242 current operation provided that no calculation subsequent to the
 1243 appropriation shall result in negative state funds for any
 1244 district.

1245 Section 20. Subsection (1) of section 1011.67, Florida
 1246 Statutes, is amended to read:

1247 1011.67 Funds for instructional materials.—

1248 (1) The department is authorized to allocate and
 1249 distribute to each district an amount as prescribed annually by
 1250 the Legislature for instructional materials for student
 1251 membership in basic and special programs in grades K-12, which
 1252 will provide for growth and maintenance needs. For purposes of
 1253 this subsection, unweighted full-time equivalent students
 1254 enrolled in the lab schools in state universities are to be
 1255 included as school district students and reported as such to the
 1256 department. ~~These funds shall be distributed to school districts~~
 1257 ~~as follows: 50 percent on or about July 10; 35 percent on or~~
 1258 ~~about October 10; 10 percent on or about January 10; and 5~~
 1259 ~~percent on or about June 10.~~ The annual allocation shall be

1260 determined as follows:

1261 (a) The growth allocation for each school district shall
 1262 be calculated as follows:

1263 1. Subtract from that district's projected full-time
 1264 equivalent membership of students in basic and special programs
 1265 in grades K-12 used in determining the initial allocation of the
 1266 Florida Education Finance Program, the prior year's full-time
 1267 equivalent membership of students in basic and special programs
 1268 in grades K-12 for that district.

1269 2. Multiply any such increase in full-time equivalent
 1270 student membership by the allocation for a set of instructional
 1271 materials, as determined by the department, or as provided for
 1272 in the General Appropriations Act.

1273 3. The amount thus determined shall be that district's
 1274 initial allocation for growth for the school year. However, the
 1275 department shall recompute and adjust the initial allocation
 1276 based on actual full-time equivalent student membership data for
 1277 that year.

1278 (b) The maintenance of the instructional materials
 1279 allocation for each school district shall be calculated by
 1280 multiplying each district's prior year full-time equivalent
 1281 membership of students in basic and special programs in grades
 1282 K-12 by the allocation for maintenance of a set of instructional
 1283 materials as provided for in the General Appropriations Act. The
 1284 amount thus determined shall be that district's initial
 1285 allocation for maintenance for the school year; however, the
 1286 department shall recompute and adjust the initial allocation
 1287 based on such actual full-time equivalent student membership

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1288 data for that year.

1289 (c) In the event the funds appropriated are not sufficient
 1290 for the purpose of implementing this subsection in full, the
 1291 department shall prorate the funds available for instructional
 1292 materials after first funding in full each district's growth
 1293 allocation.

1294 Section 21. Subsection (2) of section 1011.68, Florida
 1295 Statutes, is amended to read:

1296 1011.68 Funds for student transportation.—The annual
 1297 allocation to each district for transportation to public school
 1298 programs, including charter schools as provided in s.
 1299 1002.33(17)(b), of students in membership in kindergarten
 1300 through grade 12 and in migrant and exceptional student programs
 1301 below kindergarten shall be determined as follows:

1302 (2) The allocation for each district shall be calculated
 1303 annually in accordance with the following formula:

1304 $T = B + EX$. The elements of this formula are defined as follows:

1305 T is the total dollar allocation for transportation. B is the
 1306 base transportation dollar allocation prorated by an adjusted
 1307 student membership count. The adjusted membership count shall be
 1308 derived from a multiplicative index function in which the base
 1309 student membership is adjusted by multiplying it by index
 1310 numbers that individually account for the impact of the price
 1311 level index, average bus occupancy, and the extent of rural
 1312 population in the district. EX is the base transportation dollar
 1313 allocation for disabled students prorated by an adjusted
 1314 disabled student membership count. The base transportation
 1315 dollar allocation for disabled students is the total state base

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1316 disabled student membership count weighted for increased costs
 1317 associated with transporting disabled students and multiplying
 1318 it by a ~~the~~ prior year's average per student cost for
 1319 transportation as determined by the Legislature. The adjusted
 1320 disabled student membership count shall be derived from a
 1321 multiplicative index function in which the weighted base
 1322 disabled student membership is adjusted by multiplying it by
 1323 index numbers that individually account for the impact of the
 1324 price level index, average bus occupancy, and the extent of
 1325 rural population in the district. Each adjustment factor shall
 1326 be designed to affect the base allocation by no more or less
 1327 than 10 percent.

1328 Section 22. Paragraph (b) of subsection (3) of section
 1329 1011.71, Florida Statutes, is amended to read:

1330 1011.71 District school tax.—

1331 (3)

1332 (b) In addition to the millage authorized in this section,
 1333 each district school board may, by a super majority vote, levy
 1334 an additional 0.25 mills for critical capital outlay needs or
 1335 for critical operating needs. If levied for capital outlay,
 1336 expenditures shall be subject to the requirements of this
 1337 section. If levied for operations, expenditures shall be
 1338 consistent with the requirements for operating funds received
 1339 pursuant to s. 1011.62. If the district levies this additional
 1340 0.25 mills for operations, the compression adjustment pursuant
 1341 to s. 1011.62(5) shall be calculated and added to the district's
 1342 FEFP allocation. Millage levied pursuant to this paragraph is
 1343 subject to the provisions of s. 200.065. In order to be

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1344 continued after the 2010-2011 fiscal year, millage levied
 1345 pursuant to this paragraph must be approved by the voters of the
 1346 district at the 2010 next general election or at a subsequent
 1347 election held at any time, except that not more than one such
 1348 election shall be held during any 12-month period. Any millage
 1349 so authorized shall be levied for a period not in excess of 2
 1350 years or until changed by another millage election, whichever is
 1351 earlier. If any such election is invalidated by a court of
 1352 competent jurisdiction, such invalidated election shall be
 1353 considered not to have been held.

1354 Section 23. Subsection (2) of section 1011.73, Florida
 1355 Statutes, is amended to read:

1356 1011.73 District millage elections.—

1357 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
 1358 school board, pursuant to resolution adopted at a regular
 1359 meeting, shall direct the county commissioners to call an
 1360 election at which the electors within the school district may
 1361 approve an ad valorem tax millage as authorized under s.
 1362 1011.71 (9) ~~(8)~~. Such election may be held at any time, except
 1363 that not more than one such election shall be held during any
 1364 12-month period. Any millage so authorized shall be levied for a
 1365 period not in excess of 4 years or until changed by another
 1366 millage election, whichever is earlier. If any such election is
 1367 invalidated by a court of competent jurisdiction, such
 1368 invalidated election shall be considered not to have been held.

1369 Section 24. Paragraphs (a) and (b) of subsection (2) of
 1370 section 1013.64, Florida Statutes, are amended to read:

1371 1013.64 Funds for comprehensive educational plant needs;

1372 construction cost maximums for school district capital
 1373 projects.—Allocations from the Public Education Capital Outlay
 1374 and Debt Service Trust Fund to the various boards for capital
 1375 outlay projects shall be determined as follows:

1376 (2) (a) The department shall establish, as a part of the
 1377 Public Education Capital Outlay and Debt Service Trust Fund, a
 1378 separate account, in an amount determined by the Legislature, to
 1379 be known as the "Special Facility Construction Account." The
 1380 Special Facility Construction Account shall be used to provide
 1381 necessary construction funds to school districts which have
 1382 urgent construction needs but which lack sufficient resources at
 1383 present, and cannot reasonably anticipate sufficient resources
 1384 within the period of the next 3 years, for these purposes from
 1385 currently authorized sources of capital outlay revenue. A school
 1386 district requesting funding from the Special Facility
 1387 Construction Account shall submit one specific construction
 1388 project, not to exceed one complete educational plant, to the
 1389 Special Facility Construction Committee. No district shall
 1390 receive funding for more than one approved project in any 3-year
 1391 period. The first year of the 3-year period shall be the first
 1392 year a district receives an appropriation. The department shall
 1393 encourage a construction program that reduces the average size
 1394 of schools in the district. The request must meet the following
 1395 criteria to be considered by the committee:

1396 1. The project must be deemed a critical need and must be
 1397 recommended for funding by the Special Facility Construction
 1398 Committee. Prior to developing plans for the proposed facility,
 1399 the district school board must request a preapplication review

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1400 by the Special Facility Construction Committee or a project
1401 review subcommittee convened by the committee to include two
1402 representatives of the department and two staff from school
1403 districts not eligible to participate in the program. Within 60
1404 days after receiving the preapplication review request, the
1405 committee or subcommittee must meet in the school district to
1406 review the project proposal and existing facilities. To
1407 determine whether the proposed project is a critical need, the
1408 committee or subcommittee shall consider, at a minimum, the
1409 capacity of all existing facilities within the district as
1410 determined by the Florida Inventory of School Houses; the
1411 district's pattern of student growth; the district's existing
1412 and projected capital outlay full-time equivalent student
1413 enrollment as determined by the department; the district's
1414 existing satisfactory student stations; the use of all existing
1415 district property and facilities; grade level configurations;
1416 and any other information that may affect the need for the
1417 proposed project.

1418 2. The construction project must be recommended in the
1419 most recent survey or surveys conducted and approved by the
1420 Office of Educational Facilities with the assistance of ~~by~~ the
1421 district under the rules of the State Board of Education.

1422 3. The construction project must appear on the district's
1423 approved project priority list under the rules of the State
1424 Board of Education.

1425 4. The district must have selected and had approved a site
1426 for the construction project in compliance with s. 1013.36 and
1427 the rules of the State Board of Education.

1428 5. With the assistance of the Office of Educational
 1429 Facilities, the district shall have developed a district school
 1430 board adopted list of facilities that do not exceed the norm for
 1431 net square feet occupancy requirements under the State
 1432 Requirements for Educational Facilities, using all possible
 1433 programmatic combinations for multiple use of space to obtain
 1434 maximum daily use of all spaces within the facility under
 1435 consideration.

1436 6. Upon construction, the total cost per student station,
 1437 including change orders, must not exceed the cost per student
 1438 station as provided in subsection (6). The total project may not
 1439 exceed the cost estimate approved by the Special Facility
 1440 Construction Committee, and additional funding may not be added
 1441 except for providential causes.

1442 7. There shall be an agreement signed by the district
 1443 school board stating that it will advertise for bids within 30
 1444 days of receipt of its encumbrance authorization from the
 1445 department.

1446 8. The district shall, at the time of the request and for
 1447 a continuing period of 3 years, levy the maximum millage against
 1448 their nonexempt assessed property value as allowed in s.
 1449 1011.71(2) or shall raise an equivalent amount of revenue from
 1450 the school capital outlay surtax authorized under s. 212.055(6).
 1451 Any district with a new or active project, funded under the
 1452 provisions of this subsection, shall be required to budget no
 1453 more than the value of 1.5 mills per year to the project to
 1454 satisfy the annual participation requirement in the Special
 1455 Facility Construction Account.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1456 9. If a contract has not been signed 90 days after the
1457 advertising of bids, the funding for the specific project shall
1458 revert to the Special Facility New Construction Account to be
1459 reallocated to other projects on the list. However, an
1460 additional 90 days may be granted by the commissioner.

1461 10. The department shall certify the inability of the
1462 district to fund the survey-recommended project over a
1463 continuous 3-year period using projected capital outlay revenue
1464 derived from s. 9(d), Art. XII of the State Constitution, as
1465 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1466 11. The district shall have on file with the department an
1467 adopted resolution acknowledging its 3-year commitment of all
1468 unencumbered and future revenue acquired from s. 9(d), Art. XII
1469 of the State Constitution, as amended, paragraph (3)(a) of this
1470 section, and s. 1011.71(2).

1471 12. Final phase III plans must be certified by the board
1472 as complete and in compliance with the building and life safety
1473 codes, and reviewed and approved by the Office of Educational
1474 Facilities, prior to August 1.

1475 (b) The Special Facility Construction Committee shall be
1476 composed of the following: two representatives of the Department
1477 of Education, a representative from the Governor's office, and
1478 two representatives of school districts. The school district
1479 representatives must be from districts that do not currently
1480 qualify for appropriations from the Special Facility
1481 Construction Account and shall be a ~~representative~~ selected
1482 annually, one by the district school boards, and one a
1483 ~~representative~~ selected annually by the superintendents.

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1484 Section 25. Except as otherwise expressly provided in this
1485 act, this act shall take effect July 1, 2010.