

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 providing that certain capital outlay funds shared with a
 15 charter school-in-the-workplace have met expenditure
 16 requirements; revising provisions relating to the
 17 withholding of an administrative fee for provision of
 18 services by the sponsor of a charter school; amending s.
 19 1002.37, F.S.; revising and correcting a calculation
 20 relating to funding for Florida Virtual School operating
 21 purposes; amending s. 1002.39, F.S.; revising provisions
 22 relating to private school documentation for quarterly
 23 scholarship payments under the John M. McKay Scholarships
 24 for Students with Disabilities Program; amending s.
 25 1002.45, F.S.; providing additional conditions by which a
 26 student may become eligible to enroll in a school district
 27 virtual instruction program; requiring district school
 28 boards to develop plans for meeting class size

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

57 providing for contingent and retroactive effect; creating
58 s. 1003.572, F.S.; requiring each district school board to
59 annually report information relating to gifted students
60 and the education services provided to such students;
61 requiring the State Board of Education to adopt rules;
62 creating s. 1006.281, F.S.; encouraging school districts
63 to have access to electronic learning management systems
64 with certain functionality; amending s. 1006.29, F.S.;
65 revising items considered instructional materials for
66 purposes of state adoption; providing that certain
67 instructional materials shall be available as separate and
68 unbundled items; amending s. 1006.33, F.S.; requiring that
69 certain instructional materials shall primarily be adopted
70 and delivered in electronic format; providing for
71 electronic samples of instructional materials; amending s.
72 1006.34, F.S.; authorizing the Commissioner of Education
73 to add instructional materials to the list of
74 recommendations of state instructional materials
75 committees in certain circumstances; amending s. 1006.40,
76 F.S.; revising provisions relating to the use of
77 allocations for instructional materials; amending s.
78 1007.27, F.S.; providing that certain students shall be
79 deemed authorized users of specified state-funded
80 electronic library resources; requiring the State Board of
81 Education and the Board of Governors to adopt rules;
82 amending s. 1011.62, F.S.; providing for the expenditure
83 of funds appropriated for the International Baccalaureate
84 Program; revising the calculation of and appropriation for

85 additional full-time equivalent membership for students
86 who complete an industry-certified career and professional
87 academy program; revising calculations for school district
88 required local effort; revising provisions relating to the
89 transfer of categorical funds for certain purposes;
90 providing requirements for the use of categorical funds
91 for the purchase of technological equipment; revising the
92 calculation for determination of the sparsity supplement;
93 providing a restriction on certain calculations for
94 allocation of state funds to a school district for current
95 operation; amending s. 1011.67, F.S.; deleting certain
96 requirements for distribution of funds for instructional
97 materials to school districts; amending s. 1011.68, F.S.;
98 revising a calculation for allocation of funds for student
99 transportation to school districts; amending s. 1011.71,
100 F.S.; requiring that the levy of certain school district
101 millage must be approved by voters at specified elections;
102 providing restrictions; amending s. 1011.73, F.S.;
103 correcting a cross-reference; amending s. 1012.55, F.S.;
104 authorizing positions for which certification is required
105 for personnel who provide instruction to students through
106 a virtual environment or through a blended virtual and
107 physical environment; amending s. 1013.62, F.S.;
108 authorizing capital outlay funding for a charter school-
109 in-the-workplace; providing effective dates.

110
111 Be It Enacted by the Legislature of the State of Florida:
112

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

115 212.055 Discretionary sales surtaxes; legislative intent;
 116 authorization and use of proceeds.—It is the legislative intent
 117 that any authorization for imposition of a discretionary sales
 118 surtax shall be published in the Florida Statutes as a
 119 subsection of this section, irrespective of the duration of the
 120 levy. Each enactment shall specify the types of counties
 121 authorized to levy; the rate or rates which may be imposed; the
 122 maximum length of time the surtax may be imposed, if any; the
 123 procedure which must be followed to secure voter approval, if
 124 required; the purpose for which the proceeds may be expended;
 125 and such other requirements as the Legislature may provide.
 126 Taxable transactions and administrative procedures shall be as
 127 provided in s. 212.054.

128 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

129 ~~(d) Any school board imposing the surtax shall implement a~~
 130 ~~freeze on noncapital local school property taxes, at the millage~~
 131 ~~rate imposed in the year prior to the implementation of the~~
 132 ~~surtax, for a period of at least 3 years from the date of~~
 133 ~~imposition of the surtax. This provision shall not apply to~~
 134 ~~existing debt service or taxes authorized in the General~~
 135 ~~Appropriations Act.~~

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

139 Section 2. Paragraph (d) of subsection (2) of section
 140 216.292, Florida Statutes, is amended to read:

141 216.292 Appropriations nontransferable; exceptions.—

142 (2) The following transfers are authorized to be made by
 143 the head of each department or the Chief Justice of the Supreme
 144 Court whenever it is deemed necessary by reason of changed
 145 conditions:

146 ~~(d) The transfer of funds by the Executive Office of the~~
 147 ~~Governor from appropriations for public school operations to a~~
 148 ~~fixed capital outlay appropriation for class size reduction~~
 149 ~~based on recommendations of the Florida Education Finance~~
 150 ~~Program Appropriation Allocation Conference or the Legislative~~
 151 ~~Budget Commission pursuant to s. 1003.03(4)(a). Actions by the~~
 152 ~~Governor under this subsection are subject to the notice and~~
 153 ~~review provisions of s. 216.177.~~

154 Section 3. Paragraph (c) of subsection (2) of section
 155 1001.451, Florida Statutes, is amended to read:

156 1001.451 Regional consortium service organizations.—In
 157 order to provide a full range of programs to larger numbers of
 158 students, minimize duplication of services, and encourage the
 159 development of new programs and services:

160 (2)

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

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

169 | 1002.32 Developmental research (laboratory) schools.—

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

172 | (d) Each lab school shall receive funds for operating
 173 | purposes in an amount determined as follows: multiply the
 174 | maximum allowable nonvoted discretionary millage for operations
 175 | pursuant to s. 1011.71(1) and (3) by the value of 96 ~~95~~ percent
 176 | of the current year's taxable value for school purposes for the
 177 | district in which each lab school is located; divide the result
 178 | by the total full-time equivalent membership of the district;
 179 | and multiply the result by the full-time equivalent membership
 180 | of the lab school. The amount thus obtained shall be
 181 | discretionary operating funds and shall be appropriated from
 182 | state funds in the General Appropriations Act to the Lab School
 183 | Trust Fund.

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

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197 Section 5. Subsection (19) and paragraph (a) of subsection
198 (20) of section 1002.33, Florida Statutes, are amended to read:
199 1002.33 Charter schools.—

200 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
201 for capital outlay funds pursuant to s. 1013.62. Capital outlay
202 funds authorized in s. 1011.71(2) that have been shared with a
203 charter school-in-the-workplace prior to July 1, 2010, are
204 deemed to have met the authorized expenditure requirements for
205 such funds.

206 (20) SERVICES.—

207 (a) A sponsor shall provide certain administrative and
208 educational services to charter schools. These services shall
209 include contract management services; full-time equivalent and
210 data reporting services; exceptional student education
211 administration services; services related to eligibility and
212 reporting duties required to ensure that school lunch services
213 under the federal lunch program, consistent with the needs of
214 the charter school, are provided by the school district at the
215 request of the charter school, that any funds due to the charter
216 school under the federal lunch program be paid to the charter
217 school as soon as the charter school begins serving food under
218 the federal lunch program, and that the charter school is paid
219 at the same time and in the same manner under the federal lunch
220 program as other public schools serviced by the sponsor or the
221 school district; test administration services, including payment
222 of the costs of state-required or district-required student
223 assessments; processing of teacher certificate data services;
224 and information services, including equal access to student

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225 information systems that are used by public schools in the
226 district in which the charter school is located. Student
227 performance data for each student in a charter school,
228 including, but not limited to, FCAT scores, standardized test
229 scores, previous public school student report cards, and student
230 performance measures, shall be provided by the sponsor to a
231 charter school in the same manner provided to other public
232 schools in the district. A total administrative fee for the
233 provision of such services shall be calculated based upon up to
234 5 percent of the available funds defined in paragraph (17)(b)
235 for all students. However, a sponsor may only withhold up to a
236 5-percent administrative fee for enrollment for up to and
237 including 250 ~~500~~ students. For charter schools with a
238 population of 251 ~~501~~ or more students, the difference between
239 the total administrative fee calculation and the amount of the
240 administrative fee withheld may only be used for capital outlay
241 purposes specified in s. 1013.62(2). Each charter school shall
242 receive 100 percent of the funds awarded to that school pursuant
243 to s. 1012.225. Sponsors shall not charge charter schools any
244 additional fees or surcharges for administrative and educational
245 services in addition to the maximum 5-percent administrative fee
246 withheld pursuant to this paragraph.

247 Section 6. Paragraph (f) of subsection (3) of section
248 1002.37, Florida Statutes, is amended to read:

249 1002.37 The Florida Virtual School.—

250 (3) Funding for the Florida Virtual School shall be
251 provided as follows:

252 (f) The Florida Virtual School shall receive funds for

253 | operating purposes in an amount determined as follows: multiply
 254 | the maximum allowable nonvoted discretionary millage for
 255 | operations pursuant to s. 1011.71(1) and (3) by the value of 96
 256 | ~~95~~ percent of the current year's taxable value for school
 257 | purposes for the state; divide the result by the total full-time
 258 | equivalent membership of the state; and multiply the result by
 259 | the full-time equivalent membership of the school. The amount
 260 | thus obtained shall be discretionary operating funds and shall
 261 | be appropriated from state funds in the General Appropriations
 262 | Act.

263 | Section 7. Paragraph (b) of subsection (8) of section
 264 | 1002.39, Florida Statutes, is amended to read:

265 | 1002.39 The John M. McKay Scholarships for Students with
 266 | Disabilities Program.—There is established a program that is
 267 | separate and distinct from the Opportunity Scholarship Program
 268 | and is named the John M. McKay Scholarships for Students with
 269 | Disabilities Program.

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

274 | (b) Provide to the department all documentation required
 275 | for a student's participation, including the private school's
 276 | and student's fee schedules, at least 30 days before any ~~the~~
 277 | ~~first~~ quarterly scholarship payment is made for the student
 278 | pursuant to paragraph (10) (e). A student is not eligible to
 279 | receive a quarterly scholarship payment if the private school
 280 | fails to meet this deadline.

281
282 The inability of a private school to meet the requirements of
283 this subsection shall constitute a basis for the ineligibility
284 of the private school to participate in the scholarship program
285 as determined by the department.

286 Section 8. Paragraphs (d) and (e) are added to subsection
287 (5) of section 1002.45, Florida Statutes, to read:

288 1002.45 School district virtual instruction programs.—

289 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
290 instruction program provided by the school district in which he
291 or she resides if the student meets at least one of the
292 following conditions:

293 (d) The student has a sibling who is currently enrolled in
294 a school district virtual instruction program and that sibling
295 was enrolled in such program at the end of the prior school
296 year.

297 (e) The student's parent provides a notarized statement
298 from a physician licensed under chapter 458 or chapter 459 who
299 is treating the student's disability or medical condition which
300 certifies that the student's welfare or the welfare of other
301 students in the classroom will be jeopardized if the student is
302 required to regularly attend class in a physical classroom
303 setting. The notarized statement must be:

304 1. Provided to the department at least 60 days prior to
305 enrollment of the student in the school district virtual
306 instruction program and at least 60 days prior to the beginning
307 of a new school year annually thereafter.

308 2. Based on an annual review of the student's disability

309 or medical condition by the physician treating the student's
310 disability or medical condition.

311 Section 9. School district planning for meeting class size
312 requirements.—

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

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

320 (b) A contingency plan based on the requirements of Senate
321 Joint Resolution 2 or House Joint Resolution 7039, amending s.
322 1, Art. IX of the State Constitution, to be implemented at the
323 discretion of the district school board if Senate Joint
324 Resolution 2 or House Joint Resolution 7039 is approved at the
325 2010 general election.

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

333 (a) A review of school attendance zones in order to ensure
334 maximum use of facilities while minimizing the additional use of
335 transportation in order to comply with the class size
336 requirements.

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

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

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

345 (4) Nothing in this section may be construed to allow
 346 school districts to campaign for or against Senate Joint
 347 Resolution 2 or House Joint Resolution 7039 submitted to the
 348 electors at the 2010 general election. School districts must
 349 comply with the requirements of s. 106.113, Florida Statutes, to
 350 meet the requirements of this subsection.

351 Section 10. Upon approval by the electors of Senate Joint
 352 Resolution 2 or House Joint Resolution 7039 in the 2010 general
 353 election and retroactive to the beginning of the 2010-2011
 354 school year, subsections (1) through (4) of section 1003.03,
 355 Florida Statutes, are amended to read:

356 1003.03 Maximum class size.—

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

360 (a) The average number of students at the school level
 361 assigned to each teacher who is teaching core-curricula courses
 362 in public school classrooms for prekindergarten through grade 3
 363 may not exceed 18 students and the maximum number of students
 364 assigned to a teacher in an individual classroom may not exceed

365 21 students.

366 (b) The average number of students at the school level
367 assigned to each teacher who is teaching core-curricula courses
368 in public school classrooms for grades 4 through 8 may not
369 exceed 22 students and the maximum number of students assigned
370 to a teacher in an individual classroom may not exceed 27
371 students.

372 (c) The average number of students at the school level
373 assigned to each teacher who is teaching core-curricula courses
374 in public school classrooms for grades 9 through 12 may not
375 exceed 25 students and the maximum number of students assigned
376 to a teacher in an individual classroom may not exceed 30
377 students.

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

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

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

388 (2) IMPLEMENTATION.—

389 (a) The Department of Education shall calculate the 2010-
390 2011 class size as described in subsection (1) based upon the
391 February 2011 student membership survey. The calculation for
392 compliance for each of the three grade groupings shall be the

393 number of students assigned to each teacher in an individual
394 classroom. Each teacher assigned to an individual classroom
395 shall be included in the calculation for compliance.

396 (b) Effective with the beginning of the 2011-2012 school
397 year, and annually thereafter, the Department of Education shall
398 calculate class size as described in subsection (1) based on the
399 October student membership survey. The calculation for
400 compliance for each of the three grade groupings shall be the
401 number of students assigned to each teacher in an individual
402 classroom. Each teacher assigned to an individual classroom
403 shall be included in the calculation for compliance.

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

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

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

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

418 ~~3. For fiscal year 2010-2011 and thereafter, the~~
419 ~~calculation for compliance shall be at the individual classroom~~
420 ~~level.~~

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

424 ~~(c) The Department of Education shall annually calculate~~
425 ~~each of the three average class size measures defined in~~
426 ~~paragraphs (a) and (b) based upon the October student membership~~
427 ~~survey. For purposes of determining the baseline from which each~~
428 ~~district's average class size must be reduced for the 2003-2004~~
429 ~~school year, the department shall use data from the February~~
430 ~~2003 student membership survey updated to include classroom~~
431 ~~identification numbers as required by the department.~~

432 ~~(d) Prior to the adoption of the district school budget~~
433 ~~for 2004-2005, each district school board shall hold public~~
434 ~~hearings to review school attendance zones in order to ensure~~
435 ~~maximum use of facilities while minimizing the additional use of~~
436 ~~transportation in order to comply with the two-student-per-year~~
437 ~~reduction required in paragraph (a). School districts that meet~~
438 ~~the constitutional class size maximums described in subsection~~
439 ~~(1) are exempt from this requirement.~~

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

445 (a) Adopt policies to encourage qualified students to take
446 dual enrollment courses.

447 (b) Adopt policies to encourage students to take courses
448 from the Florida Virtual School or participate in the school

449 district virtual instruction program.

450 (c)1. Repeal district school board policies that require
451 students to have more than 24 credits to graduate from high
452 school.

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

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

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

465 (f) Use joint-use facilities through partnerships with
466 community colleges, state universities, and private colleges and
467 universities. Joint-use facilities available for use as K-12
468 classrooms that do not meet the K-12 State Regulations for
469 Educational Facilities in the Florida Building Code may be used
470 at the discretion of the district school board provided that
471 such facilities meet all other health, life, safety, and fire
472 codes.

473 (g) Adopt alternative methods of class scheduling, such as
474 block scheduling.

475 (h) Redraw school attendance zones to maximize use of
476 facilities while minimizing the additional use of

477 transportation.

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

481 (j) Use year-round schools and other nontraditional
 482 calendars that do not adversely impact annual assessment of
 483 student achievement.

484 (k) Review and consider amending any collective bargaining
 485 contracts that hinder the implementation of class size
 486 reduction.

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

488 (4) ACCOUNTABILITY.—

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

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

496 2. Multiply the total number of full-time equivalent
 497 students that exceeds the maximum class size for each grade
 498 group by the district's full-time equivalent student dollar
 499 amount of the class-size-reduction operating categorical
 500 allocation for that year and calculate the total for all three
 501 grade groups.

502 3. Reduce the district's class-size-reduction operating
 503 categorical allocation by an amount equal to the calculation in
 504 subparagraph 2.

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

511 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
512 ~~department determines for any year that a school district has~~
513 ~~not reduced average class size as required in subsection (2) at~~
514 ~~the time of the third FEFP calculation, the department shall~~
515 ~~calculate an amount from the class size reduction operating~~
516 ~~categorical which is proportionate to the amount of class size~~
517 ~~reduction not accomplished. Upon verification of the~~
518 ~~department's calculation by the Florida Education Finance~~
519 ~~Program Appropriation Allocation Conference and not later than~~
520 ~~March 1 of each year, the Executive Office of the Governor shall~~
521 ~~transfer undistributed funds equivalent to the calculated amount~~
522 ~~from the district's class size reduction operating categorical~~
523 ~~to an approved fixed capital outlay appropriation for class size~~
524 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
525 ~~The amount of funds transferred shall be the lesser of the~~
526 ~~amount verified by the Florida Education Finance Program~~
527 ~~Appropriation Allocation Conference or the undistributed balance~~
528 ~~of the district's class size reduction operating categorical.~~

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

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533 ~~class size reduction operating categorical to its approved fixed~~
534 ~~capital outlay account for class size reduction if the~~
535 ~~commissioner finds that the State Board of Education has~~
536 ~~reviewed evidence indicating that a district has been unable to~~
537 ~~meet class size reduction requirements despite appropriate~~
538 ~~effort to do so. The commissioner's budget amendment must be~~
539 ~~submitted to the Legislative Budget Commission by February 15 of~~
540 ~~each year.~~

541 (c)3. ~~For the 2007-2008 fiscal year and thereafter,~~ If in
542 any fiscal year funds from a district's class size operating
543 categorical are required to be reduced in accordance with
544 paragraph (a) or paragraph (b) ~~transferred to its fixed capital~~
545 ~~outlay fund~~ and the district's class size operating categorical
546 allocation in the General Appropriations Act for that fiscal
547 year has been reduced by a subsequent appropriation, the
548 Commissioner of Education may recommend a 50-percent reduction
549 in the amount calculated in accordance with paragraph (a) or
550 paragraph (b) ~~of the transfer.~~

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

556 ~~1. Identify, for each grade group, the number of classes~~
557 ~~in which the enrollment exceeds the maximum, the number of~~
558 ~~students which exceeds the maximum for each class, and the total~~
559 ~~number of students which exceeds the maximum for all classes.~~

560 ~~2. Determine the number of full-time equivalent students~~

561 ~~which exceeds the maximum class size for each grade group.~~

562 ~~3. Multiply the total number of FTE students which exceeds~~
 563 ~~the maximum class size for each grade group by the district's~~
 564 ~~FTE dollar amount of the class size reduction allocation for~~
 565 ~~that year and calculate the total for all three grade groups.~~

566 ~~4. Reduce the district's class size reduction operating~~
 567 ~~categorical allocation by an amount equal to the sum of the~~
 568 ~~calculation in subparagraph 3.~~

569 ~~(d)(e)~~ Upon verification of the department's calculation
 570 by the Florida Education Finance Program Appropriation
 571 Allocation Conference and no later than March 1 of each year,
 572 the Executive Office of the Governor shall place these funds in
 573 reserve, and the undistributed funds shall revert to the General
 574 Revenue Fund unallocated at the end of the fiscal year. The
 575 amount of funds reduced shall be the lesser of the amount
 576 verified by the Florida Education Finance Program Appropriation
 577 Allocation Conference or the undistributed balance of the
 578 district's class-size-reduction operating categorical
 579 allocation.

580 ~~(e)(d)~~ In lieu of the reduction calculation in paragraph
 581 (a) or paragraph (b), if the Commissioner of Education has
 582 evidence that a district has been unable to meet the class size
 583 requirements, despite the appropriate efforts of the district,
 584 due to an extreme emergency or other causes beyond the control
 585 of the district, he or she may recommend a budget amendment,
 586 subject to approval of the Legislative Budget Commission, to
 587 reduce an alternative amount of funds from the district's class-
 588 size-reduction operating categorical allocation. The

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589 commissioner's budget amendment must be submitted to the
 590 Legislative Budget Commission by February 15 of each year.

591 ~~(c) In addition to the calculation required in paragraph~~
 592 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
 593 ~~fiscal year, the department shall also prepare a simulated~~
 594 ~~calculation based on the requirements in paragraphs (b) and (c).~~
 595 ~~This simulated calculation shall be provided to the school~~
 596 ~~districts and the Legislature.~~

597 Section 11. If the electors do not approve Senate Joint
 598 Resolution 2 or House Joint Resolution 7039 in the 2010 general
 599 election, subsections (2) through (4) of section 1003.03,
 600 Florida Statutes, are amended, retroactive to July 1, 2010, to
 601 read:

602 1003.03 Maximum class size.—

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

606 (a) The maximum number of students assigned to each
 607 teacher who is teaching core-curricula courses in public school
 608 classrooms for prekindergarten through grade 3 may not exceed 18
 609 students.

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

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

616 (2) IMPLEMENTATION.—

617 (a) The Department of Education shall calculate the 2010-
618 2011 class size as described in subsection (1) based upon the
619 February 2011 student membership survey. The calculation for
620 compliance for each of the three grade groupings shall be the
621 number of students assigned to each teacher in an individual
622 classroom. Each teacher assigned to an individual classroom
623 shall be included in the calculation for compliance.

624 (b) Effective with the beginning of the 2011-2012 school
625 year, and annually thereafter, the Department of Education shall
626 calculate class size as described in subsection (1) based on the
627 October student membership survey. The calculation for
628 compliance for each of the three grade groupings shall be the
629 number of students assigned to each teacher in an individual
630 classroom. Each teacher assigned to an individual classroom
631 shall be included in the calculation for compliance.

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

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

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

643 ~~2. For fiscal years 2006-2007 through 2009-2010, the~~
644 ~~calculation for compliance for each of the 3 grade groupings~~

645 ~~shall be the average at the school level.~~

646 ~~3. For fiscal year 2010-2011 and thereafter, the~~
647 ~~calculation for compliance shall be at the individual classroom~~
648 ~~level.~~

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

652 ~~(c) The Department of Education shall annually calculate~~
653 ~~each of the three average class size measures defined in~~
654 ~~paragraphs (a) and (b) based upon the October student membership~~
655 ~~survey. For purposes of determining the baseline from which each~~
656 ~~district's average class size must be reduced for the 2003-2004~~
657 ~~school year, the department shall use data from the February~~
658 ~~2003 student membership survey updated to include classroom~~
659 ~~identification numbers as required by the department.~~

660 ~~(d) Prior to the adoption of the district school budget~~
661 ~~for 2004-2005, each district school board shall hold public~~
662 ~~hearings to review school attendance zones in order to ensure~~
663 ~~maximum use of facilities while minimizing the additional use of~~
664 ~~transportation in order to comply with the two student per year~~
665 ~~reduction required in paragraph (a). School districts that meet~~
666 ~~the constitutional class size maximums described in subsection~~
667 ~~(1) are exempt from this requirement.~~

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

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673 (a) Adopt policies to encourage qualified students to take
674 dual enrollment courses.

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

678 (c)1. Repeal district school board policies that require
679 students to have more than 24 credits to graduate from high
680 school.

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

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

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

693 (f) Use joint-use facilities through partnerships with
694 community colleges, state universities, and private colleges and
695 universities. Joint-use facilities available for use as K-12
696 classrooms that do not meet the K-12 State Regulations for
697 Educational Facilities in the Florida Building Code may be used
698 at the discretion of the district school board provided that
699 such facilities meet all other health, life, safety, and fire
700 codes.

701 (g) Adopt alternative methods of class scheduling, such as
702 block scheduling.

703 (h) Redraw school attendance zones to maximize use of
704 facilities while minimizing the additional use of
705 transportation.

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

709 (j) Use year-round schools and other nontraditional
710 calendars that do not adversely impact annual assessment of
711 student achievement.

712 (k) Review and consider amending any collective bargaining
713 contracts that hinder the implementation of class size
714 reduction.

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

716 (4) ACCOUNTABILITY.—

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

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

724 2. Multiply the total number of full-time equivalent
725 students that exceeds the maximum class size for each grade
726 group by the district's full-time equivalent student dollar
727 amount of the class-size-reduction operating categorical
728 allocation for that year and calculate the total for all three

729 grade groups.

730 3. Reduce the district's class-size-reduction operating
731 categorical allocation by an amount equal to the calculation in
732 subparagraph 2.

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

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

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757 ~~2. In lieu of the transfer required by subparagraph 1.,~~
758 ~~the Commissioner of Education may recommend a budget amendment,~~
759 ~~subject to approval by the Legislative Budget Commission, to~~
760 ~~transfer an alternative amount of funds from the district's~~
761 ~~class size reduction operating categorical to its approved fixed~~
762 ~~capital outlay account for class size reduction if the~~
763 ~~commissioner finds that the State Board of Education has~~
764 ~~reviewed evidence indicating that a district has been unable to~~
765 ~~meet class size reduction requirements despite appropriate~~
766 ~~effort to do so. The commissioner's budget amendment must be~~
767 ~~submitted to the Legislative Budget Commission by February 15 of~~
768 ~~each year.~~

769 ~~(c)3. For the 2007-2008 fiscal year and thereafter, If in~~
770 ~~any fiscal year funds from a district's class size operating~~
771 ~~categorical are required to be reduced in accordance with~~
772 ~~paragraph (a) or paragraph (b) transferred to its fixed capital~~
773 ~~outlay fund and the district's class size operating categorical~~
774 ~~allocation in the General Appropriations Act for that fiscal~~
775 ~~year has been reduced by a subsequent appropriation, the~~
776 ~~Commissioner of Education may recommend a 50-percent reduction~~
777 ~~in the amount calculated in accordance with paragraph (a) or~~
778 ~~paragraph (b) of the transfer.~~

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

784 ~~1. Identify, for each grade group, the number of classes~~

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785 ~~in which the enrollment exceeds the maximum, the number of~~
786 ~~students which exceeds the maximum for each class, and the total~~
787 ~~number of students which exceeds the maximum for all classes.~~

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

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

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

797 ~~(d)(e)~~ Upon verification of the department's calculation
798 by the Florida Education Finance Program Appropriation
799 Allocation Conference and no later than March 1 of each year,
800 the Executive Office of the Governor shall place these funds in
801 reserve, and the undistributed funds shall revert to the General
802 Revenue Fund unallocated at the end of the fiscal year. The
803 amount of funds reduced shall be the lesser of the amount
804 verified by the Florida Education Finance Program Appropriation
805 Allocation Conference or the undistributed balance of the
806 district's class-size-reduction operating categorical
807 allocation.

808 ~~(e)(d)~~ In lieu of the reduction calculation in paragraph
809 (a) or paragraph (b), if the Commissioner of Education has
810 evidence that a district has been unable to meet the class size
811 requirements, despite the appropriate efforts of the district,
812 due to an extreme emergency or other causes beyond the control

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813 of the district, he or she may recommend a budget amendment,
814 subject to approval of the Legislative Budget Commission, to
815 reduce an alternative amount of funds from the district's class-
816 size-reduction operating categorical allocation. The
817 commissioner's budget amendment must be submitted to the
818 Legislative Budget Commission by February 15 of each year.

819 ~~(c) In addition to the calculation required in paragraph~~
820 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
821 ~~fiscal year, the department shall also prepare a simulated~~
822 ~~calculation based on the requirements in paragraphs (b) and (c).~~
823 ~~This simulated calculation shall be provided to the school~~
824 ~~districts and the Legislature.~~

825 Section 12. Section 1003.572, Florida Statutes, is created
826 to read:

827 1003.572 Gifted student education.—

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

831 (a) The number of students classified as gifted. Such
832 reporting shall separately identify the number of students
833 classified as gifted under generally applicable criteria set
834 forth in State Board of Education rule and under a department-
835 approved school district plan for increasing the participation
836 of underrepresented groups.

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

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840 1. Separately identify gifted student education services
841 that provide: direct instruction to a class consisting only of
842 gifted students; differentiated instruction for gifted students
843 within a class that also includes students who are not gifted;
844 and noninstructional consultation services.

845 2. Indicate the number of hours per week that each service
846 identified under subparagraph 1. is provided to each gifted
847 student and if the service is provided by a teacher who has
848 received the gifted endorsement under State Board of Education
849 rule.

850 (c) Performance data for students receiving gifted student
851 education services.

852 (2) When reporting the number of students under subsection
853 (1), district school boards shall classify students according to
854 race, ethnicity, limited English proficient status, and free or
855 reduced-price lunch eligibility status under the National School
856 Lunch Act.

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

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

861 Section 13. Section 1006.281, Florida Statutes, is created
862 to read:

863 1006.281 Electronic learning management systems.—

864 (1) To ensure that all school districts have equitable
865 access to digitally rich instructional materials, districts are
866 encouraged to have access to an electronic learning management
867 system that allows teachers, staff, students, and parents to

868 access, organize, and utilize electronically available
 869 instructional materials and teaching and learning tools and
 870 resources and enables teachers to manage, assess, and track
 871 student learning.

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

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

878 (b) Enables teachers to prepare lessons, individualize
 879 student instruction, and utilize best practices for providing
 880 instruction.

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

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

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

889 Section 14. Subsection (4) of section 1006.29, Florida
 890 Statutes, is amended to read:

891 1006.29 State instructional materials committees.—

892 (4) For purposes of state adoption, "instructional
 893 materials" means items having intellectual content that by
 894 design serve as a major tool for assisting in the instruction of
 895 a subject or course. These items may be available in bound,

896 unbound, kit, or package form and may consist of hardbacked, ~~or~~
897 softbacked, or electronic textbooks, consumables, learning
898 laboratories, manipulatives, electronic media, and computer
899 courseware or software. A publisher or manufacturer providing
900 instructional materials as a single bundle shall also make the
901 instructional materials available as separate and unbundled
902 items, each priced individually. ~~The term does not include~~
903 ~~electronic or computer hardware even if such hardware is bundled~~
904 ~~with software or other electronic media, nor does it include~~
905 ~~equipment or supplies.~~

906 Section 15. Paragraphs (a) and (b) of subsection (1) of
907 section 1006.33, Florida Statutes, are amended to read:

908 1006.33 Bids or proposals; advertisement and its
909 contents.—

910 (1) (a) Beginning on or before May 15 of any year in which
911 an instructional materials adoption is to be initiated, the
912 department shall advertise in the Florida Administrative Weekly
913 4 weeks preceding the date on which the bids shall be received,
914 that at a certain designated time, not later than June 15,
915 sealed bids or proposals to be deposited with the department
916 will be received from publishers or manufacturers for the
917 furnishing of instructional materials proposed to be adopted as
918 listed in the advertisement beginning April 1 following the
919 adoption. Instructional materials adopted after 2012-2013 for
920 students in grades 9 through 12 shall primarily be adopted and
921 delivered in electronic format.

922 (b) Beginning in the 2010-2011 fiscal year, the
923 advertisement shall state that each bidder shall furnish

924 electronic specimen copies of all instructional materials
 925 submitted, at a time designated by the department, which
 926 specimen copies shall be identical with the copies approved and
 927 accepted by the members of the state instructional materials
 928 committee, as prescribed in this section, and with the copies
 929 furnished to the department and district school superintendents,
 930 as provided in this part. Any district school superintendent who
 931 requires samples in addition to samples in electronic format
 932 must request those samples through the department.

933 Section 16. Paragraph (a) of subsection (2) of section
 934 1006.34, Florida Statutes, is amended to read:

935 1006.34 Powers and duties of the commissioner and the
 936 department in selecting and adopting instructional materials.—

937 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

938 (a) The department shall notify all publishers and
 939 manufacturers of instructional materials who have submitted bids
 940 that within 3 weeks after the deadline for receiving bids, at a
 941 designated time and place, it will open the bids submitted and
 942 deposited with it. At the time and place designated, the bids
 943 shall be opened, read, and tabulated in the presence of the
 944 bidders or their representatives. No one may revise his or her
 945 bid after the bids have been filed. When all bids have been
 946 carefully considered, the commissioner shall, from the list of
 947 suitable, usable, and desirable instructional materials reported
 948 by the state instructional materials committee, select and adopt
 949 instructional materials for each grade and subject field in the
 950 curriculum of public elementary, middle, and high schools in
 951 which adoptions are made and in the subject areas designated in

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952 the advertisement. The adoption shall continue for the period
953 specified in the advertisement, beginning on the ensuing April
954 1. The adoption shall not prevent the extension of a contract as
955 provided in subsection (3). The commissioner shall always
956 reserve the right to reject any and all bids. The commissioner
957 may ask for new sealed bids from publishers or manufacturers
958 whose instructional materials were recommended by the state
959 instructional materials committee as suitable, usable, and
960 desirable; specify the dates for filing such bids and the date
961 on which they shall be opened; and proceed in all matters
962 regarding the opening of bids and the awarding of contracts as
963 required by this part. In all cases, bids shall be accompanied
964 by a cash deposit or certified check of from \$500 to \$2,500, as
965 the commissioner may direct. The department, in adopting
966 instructional materials, shall give due consideration both to
967 the prices bid for furnishing instructional materials and to the
968 report and recommendations of the state instructional materials
969 committee. When the commissioner has finished with the report of
970 the state instructional materials committee, the report shall be
971 filed and preserved with the department and shall be available
972 at all times for public inspection. The commissioner may add
973 instructional materials to the list of recommendations of the
974 state instructional materials committee if the publishers of
975 such materials met the procedural requirements established for
976 submission and timely appealed any failure to adopt and the
977 materials are aligned with the Next Generation Sunshine State
978 Standards.

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

980 Statutes, is amended to read:

981 1006.40 Use of instructional materials allocation;
 982 instructional materials, library books, and reference books;
 983 repair of books.—

984 (4) The funds described in subsection (3) which district
 985 school boards may use to purchase materials not on the state-
 986 adopted list shall be used for the purchase of instructional
 987 materials or other items having intellectual content which
 988 assist in the instruction of a subject or course. These items
 989 may be available in bound, unbound, kit, or package form and may
 990 consist of hardbacked, ~~or~~ softbacked, or electronic textbooks,
 991 replacements for items which were part of previously purchased
 992 instructional materials, consumables, learning laboratories,
 993 manipulatives, electronic media, computer courseware or
 994 software, and other commonly accepted instructional tools as
 995 prescribed by district school board rule. Beginning with the
 996 2012-2013 fiscal year, the funds available to district school
 997 boards for the purchase of materials not on the state-adopted
 998 list may ~~not~~ be used to purchase electronic or computer hardware
 999 ~~even~~ if such hardware is provided for the sole purpose of
 1000 delivering instructional materials content in an electronic
 1001 format. The funds provided for instructional materials ~~bundled~~
 1002 ~~with software or other electronic media, nor may not such funds~~
 1003 be used to purchase equipment or supplies. However, when
 1004 authorized to do so in the General Appropriations Act, a school
 1005 or district school board may use a portion of the funds
 1006 available to it for the purchase of materials not on the state-
 1007 adopted list to purchase science laboratory materials and

1008 supplies.

1009 Section 18. Subsection (1) of section 1007.27, Florida
 1010 Statutes, is amended to read:

1011 1007.27 Articulated acceleration mechanisms.—

1012 (1) It is the intent of the Legislature that a variety of
 1013 articulated acceleration mechanisms be available for secondary
 1014 and postsecondary students attending public educational
 1015 institutions. It is intended that articulated acceleration serve
 1016 to shorten the time necessary for a student to complete the
 1017 requirements associated with the conference of a high school
 1018 diploma and a postsecondary degree, broaden the scope of
 1019 curricular options available to students, or increase the depth
 1020 of study available for a particular subject. Articulated
 1021 acceleration mechanisms shall include, but not be limited to,
 1022 dual enrollment as provided for in s. 1007.271, early admission,
 1023 advanced placement, credit by examination, the International
 1024 Baccalaureate Program, and the Advanced International
 1025 Certificate of Education Program. Credit earned through the
 1026 Florida Virtual School shall provide additional opportunities
 1027 for early graduation and acceleration. Students in public
 1028 secondary schools enrolled in courses pursuant to this
 1029 subsection shall be deemed authorized users of the state-funded
 1030 electronic library resources provided by Florida colleges and
 1031 state universities pursuant to s. 1006.72. Verification of
 1032 eligibility shall be in accordance with rules established by the
 1033 State Board of Education and the Board of Governors and
 1034 processes implemented by Florida colleges and state
 1035 universities.

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1036 Section 19. Paragraphs (m) and (p) of subsection (1),
 1037 paragraphs (a) and (b) of subsection (4), subsection (6),
 1038 paragraph (d) of subsection (7), and paragraph (a) of subsection
 1039 (12) of section 1011.62, Florida Statutes, are amended to read:

1040 1011.62 Funds for operation of schools.—If the annual
 1041 allocation from the Florida Education Finance Program to each
 1042 district for operation of schools is not determined in the
 1043 annual appropriations act or the substantive bill implementing
 1044 the annual appropriations act, it shall be determined as
 1045 follows:

1046 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1047 OPERATION.—The following procedure shall be followed in
 1048 determining the annual allocation to each district for
 1049 operation:

1050 (m) Calculation of additional full-time equivalent
 1051 membership based on International Baccalaureate examination
 1052 scores of students.—A value of 0.16 full-time equivalent student
 1053 membership shall be calculated for each student enrolled in an
 1054 International Baccalaureate course who receives a score of 4 or
 1055 higher on a subject examination. A value of 0.3 full-time
 1056 equivalent student membership shall be calculated for each
 1057 student who receives an International Baccalaureate diploma.
 1058 Such value shall be added to the total full-time equivalent
 1059 student membership in basic programs for grades 9 through 12 in
 1060 the subsequent fiscal year. Funds allocated in accordance with
 1061 this paragraph shall be expended solely for the payment of
 1062 administrative costs and teacher bonuses associated with the
 1063 International Baccalaureate Program. Administrative costs shall

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1064 include costs associated with International Baccalaureate annual
 1065 school fees and examination fees and professional development
 1066 for International Baccalaureate teachers. After all
 1067 International Baccalaureate programmatic expenses have been paid
 1068 by the school district, the remaining balance of funding shall
 1069 be provided to the school that generated the funding. The school
 1070 district shall distribute to each classroom teacher who provided
 1071 International Baccalaureate instruction:

1072 1. A bonus in the amount of \$50 for each student taught by
 1073 the International Baccalaureate teacher in each International
 1074 Baccalaureate course who receives a score of 4 or higher on the
 1075 International Baccalaureate examination.

1076 2. An additional bonus of \$500 to each International
 1077 Baccalaureate teacher in a school designated with a grade of "D"
 1078 or "F" who has at least one student scoring 4 or higher on the
 1079 International Baccalaureate examination, regardless of the
 1080 number of classes taught or of the number of students scoring a
 1081 4 or higher on the International Baccalaureate examination.

1082
 1083 Bonuses awarded to a teacher according to this paragraph shall
 1084 not exceed \$2,000 in any given school year and shall be in
 1085 addition to any regular wage or other bonus the teacher received
 1086 or is scheduled to receive.

1087 (p) Calculation of additional full-time equivalent
 1088 membership based on certification of successful completion of
 1089 industry-certified career and professional academy programs
 1090 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
 1091 in the Industry Certification ~~Certified~~ Funding List pursuant to

1092 rules adopted by the State Board of Education.—A value of 0.16
 1093 ~~0.3~~ full-time equivalent student membership shall be calculated
 1094 for each student who completes an industry-certified career and
 1095 professional academy program under ss. 1003.491, 1003.492, and
 1096 1003.493 and who is issued the highest level of industry
 1097 certification identified annually in the Industry Certification
 1098 Funding List approved under rules adopted by the State Board of
 1099 Education and a high school diploma. Such value shall be added
 1100 to the total full-time equivalent student membership in
 1101 secondary career education programs for grades 9 through 12 in
 1102 the subsequent year for courses that were not funded through
 1103 dual enrollment. The additional full-time equivalent membership
 1104 authorized under this paragraph may not exceed 0.16 ~~0.3~~ per
 1105 student. Unless a different amount is specified in the General
 1106 Appropriations Act, the appropriation for this calculation is
 1107 limited to \$8 ~~\$15~~ million annually. If the appropriation is
 1108 insufficient to fully fund the total calculation, the
 1109 appropriation shall be prorated.

1110 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 1111 Legislature shall prescribe the aggregate required local effort
 1112 for all school districts collectively as an item in the General
 1113 Appropriations Act for each fiscal year. The amount that each
 1114 district shall provide annually toward the cost of the Florida
 1115 Education Finance Program for kindergarten through grade 12
 1116 programs shall be calculated as follows:

1117 (a) Estimated taxable value calculations.—

1118 1.a. Not later than 2 working days prior to July 19, the
 1119 Department of Revenue shall certify to the Commissioner of

1120 Education its most recent estimate of the taxable value for
 1121 school purposes in each school district and the total for all
 1122 school districts in the state for the current calendar year
 1123 based on the latest available data obtained from the local
 1124 property appraisers. The value certified shall be the taxable
 1125 value for school purposes for that year, and no further
 1126 adjustments shall be made, except those made pursuant to
 1127 paragraphs (c) and (d), or an assessment roll change required by
 1128 final judicial decisions as specified in paragraph (12)(b). Not
 1129 later than July 19, the Commissioner of Education shall compute
 1130 a millage rate, rounded to the next highest one one-thousandth
 1131 of a mill, which, when applied to 96 ~~95~~ percent of the estimated
 1132 state total taxable value for school purposes, would generate
 1133 the prescribed aggregate required local effort for that year for
 1134 all districts. The Commissioner of Education shall certify to
 1135 each district school board the millage rate, computed as
 1136 prescribed in this subparagraph, as the minimum millage rate
 1137 necessary to provide the district required local effort for that
 1138 year.

1139 b. The General Appropriations Act shall direct the
 1140 computation of the statewide adjusted aggregate amount for
 1141 required local effort for all school districts collectively from
 1142 ad valorem taxes to ensure that no school district's revenue
 1143 from required local effort millage will produce more than 90
 1144 percent of the district's total Florida Education Finance
 1145 Program calculation as calculated and adopted by the
 1146 Legislature, and the adjustment of the required local effort
 1147 millage rate of each district that produces more than 90 percent

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1148 of its total Florida Education Finance Program entitlement to a
 1149 level that will produce only 90 percent of its total Florida
 1150 Education Finance Program entitlement in the July calculation.

1151 2. On the same date as the certification in sub-
 1152 subparagraph 1.a., the Department of Revenue shall certify to
 1153 the Commissioner of Education for each district:

1154 a. Each year for which the property appraiser has
 1155 certified the taxable value pursuant to s. 193.122(2) or (3), if
 1156 applicable, since the prior certification under sub-subparagraph
 1157 1.a.

1158 b. For each year identified in sub-subparagraph a., the
 1159 taxable value certified by the appraiser pursuant to s.
 1160 193.122(2) or (3), if applicable, since the prior certification
 1161 under sub-subparagraph 1.a. This is the certification that
 1162 reflects all final administrative actions of the value
 1163 adjustment board.

1164 (b) Equalization of required local effort.—

1165 1. The Department of Revenue shall include with its
 1166 certifications provided pursuant to paragraph (a) its most
 1167 recent determination of the assessment level of the prior year's
 1168 assessment roll for each county and for the state as a whole.

1169 2. The Commissioner of Education shall adjust the required
 1170 local effort millage of each district for the current year,
 1171 computed pursuant to paragraph (a), as follows:

1172 a. The equalization factor for the prior year's assessment
 1173 roll of each district shall be multiplied by 96 ~~95~~ percent of
 1174 the taxable value for school purposes shown on that roll and by
 1175 the prior year's required local-effort millage, exclusive of any

1176 equalization adjustment made pursuant to this paragraph. The
 1177 dollar amount so computed shall be the additional required local
 1178 effort for equalization for the current year.

1179 b. Such equalization factor shall be computed as the
 1180 quotient of the prior year's assessment level of the state as a
 1181 whole divided by the prior year's assessment level of the
 1182 county, from which quotient shall be subtracted 1.

1183 c. The dollar amount of additional required local effort
 1184 for equalization for each district shall be converted to a
 1185 millage rate, based on 96 ~~95~~ percent of the current year's
 1186 taxable value for that district, and added to the required local
 1187 effort millage determined pursuant to paragraph (a).

1188 3. Notwithstanding the limitations imposed pursuant to s.
 1189 1011.71(1), the total required local-effort millage, including
 1190 additional required local effort for equalization, shall be an
 1191 amount not to exceed 10 minus the maximum millage allowed as
 1192 nonvoted discretionary millage, exclusive of millage authorized
 1193 pursuant to s. 1011.71(2). Nothing herein shall be construed to
 1194 allow a millage in excess of that authorized in s. 9, Art. VII
 1195 of the State Constitution.

1196 4. For the purposes of this chapter, the term "assessment
 1197 level" means the value-weighted mean assessment ratio for the
 1198 county or state as a whole, as determined pursuant to s.
 1199 195.096, or as subsequently adjusted. However, for those parcels
 1200 studied pursuant to s. 195.096(3)(a)1. which are receiving the
 1201 assessment limitation set forth in s. 193.155, and for which the
 1202 assessed value is less than the just value, the department shall
 1203 use the assessed value in the numerator and the denominator of

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1204 such assessment ratio. In the event a court has adjudicated that
 1205 the department failed to establish an accurate estimate of an
 1206 assessment level of a county and recomputation resulting in an
 1207 accurate estimate based upon the evidence before the court was
 1208 not possible, that county shall be presumed to have an
 1209 assessment level equal to that of the state as a whole.

1210 5. If, in the prior year, taxes were levied against an
 1211 interim assessment roll pursuant to s. 193.1145, the assessment
 1212 level and prior year's nonexempt assessed valuation used for the
 1213 purposes of this paragraph shall be those of the interim
 1214 assessment roll.

1215 (6) CATEGORICAL FUNDS.—

1216 (a) In addition to the basic amount for current operations
 1217 for the FEFP as determined in subsection (1), the Legislature
 1218 may appropriate categorical funding for specified programs,
 1219 activities, or purposes.

1220 (b) If a district school board finds and declares in a
 1221 resolution adopted at a regular meeting of the school board that
 1222 the funds received for any of the following categorical
 1223 appropriations are urgently needed to maintain school board
 1224 specified academic classroom instruction or to provide
 1225 technological equipment that supports student learning, the
 1226 school board may consider and approve an amendment to the school
 1227 district operating budget transferring the identified amount of
 1228 the categorical funds to the appropriate account for
 1229 expenditure:

- 1230 1. Funds for student transportation.
- 1231 2. Funds for safe schools.

- 1232 3. Funds for supplemental academic instruction.
 1233 4. Funds for research-based reading instruction.
 1234 5. Funds for instructional materials if all instructional
 1235 material purchases necessary to provide updated materials
 1236 aligned to the Next Generation Sunshine State Standards and
 1237 benchmarks pursuant to ss. 1006.28(1) and 1006.40(2) (a) have
 1238 been completed for that fiscal year, but no sooner than March 1,
 1239 2011 ~~2010~~.

1240 (c) As used in this subsection, the term "technological
 1241 equipment" is limited to hardware, devices, or equipment
 1242 necessary for:

1243 1. Gaining access to or enhancing the use of an electronic
 1244 textbook and other types of digitally rich instructional
 1245 materials; or

1246 2. Facilitating access to and the use of a school
 1247 district's electronic learning and data management systems that
 1248 allow teachers, staff, students, and parents to have access to
 1249 electronically available instructional materials and teaching
 1250 and learning tools and resources.

1251
 1252 Technological equipment purchased from categorical funds
 1253 pursuant to this subsection must meet performance standards
 1254 related to interactive functionality, capacity, and reliability
 1255 as determined by the department. The department is encouraged to
 1256 negotiate enterprise agreements with interested technological
 1257 equipment vendors and service providers. By February 1, 2011,
 1258 the department shall publish a list of recommended vendors and
 1259 service providers. Districts choosing devices or services from

1260 vendors or providers not on the department's list may seek a
 1261 waiver from the Commissioner of Education if their proposed
 1262 purchases represent better value for the district.

1263 (d)~~(e)~~ Each district school board shall include in its
 1264 annual financial report to the Department of Education the
 1265 amount of funds the school board transferred from each of the
 1266 categorical funds identified in this subsection and the specific
 1267 academic classroom instruction for which the transferred funds
 1268 were expended. The Department of Education shall provide
 1269 instructions and specify the format to be used in submitting
 1270 this required information as a part of the district annual
 1271 financial report. The Department of Education shall submit a
 1272 report to the Legislature that identifies by district and by
 1273 categorical fund the amount transferred and the specific
 1274 academic classroom activity for which the funds were expended.

1275 (e)~~(d)~~ If a district school board transfers funds from its
 1276 research-based reading instruction allocation, the board must
 1277 also submit to the Department of Education an amendment
 1278 describing the changes that the district is making to its
 1279 reading plan approved pursuant to paragraph (9) (d).

1280 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1281 (d) Each district's allocation of sparsity supplement
 1282 funds shall be adjusted in the following manner:

1283 1. A maximum discretionary levy per FTE value for each
 1284 district shall be calculated by dividing the value of each
 1285 district's maximum discretionary levy by its FTE student count.

1286 2. A state average discretionary levy value per FTE shall
 1287 be calculated by dividing the total maximum discretionary levy

1288 value for all districts by the state total FTE student count.

1289 3. A total potential funds per FTE for each district shall
 1290 be calculated by dividing the total potential funds, not
 1291 including Florida School Recognition Program funds, Merit Award
 1292 Program funds, and the minimum guarantee funds, for each
 1293 district by its FTE student count.

1294 4. A state average total potential funds per FTE shall be
 1295 calculated by dividing the total potential funds, not including
 1296 Florida School Recognition Program funds, Merit Award Program
 1297 funds, and the minimum guarantee funds, for all districts by the
 1298 state total FTE student count.

1299 5. For districts that have a levy value per FTE as
 1300 calculated in subparagraph 1. higher than the state average
 1301 calculated in subparagraph 2., a sparsity wealth adjustment
 1302 shall be calculated as the product of the difference between the
 1303 state average levy value per FTE calculated in subparagraph 2.
 1304 and the district's levy value per FTE calculated in subparagraph
 1305 1. and the district's FTE student count and -1. However, no
 1306 district shall have a sparsity wealth adjustment that, when
 1307 applied to the total potential funds calculated in subparagraph
 1308 3., would cause the district's total potential funds per FTE to
 1309 be less than the state average calculated in subparagraph 4.

1310 6. Each district's sparsity supplement allocation shall be
 1311 calculated by adding the amount calculated as specified in
 1312 paragraphs (a) and (b) and the wealth adjustment amount
 1313 calculated in this paragraph.

1314 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 1315 CURRENT OPERATION.—The total annual state allocation to each

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1316 district for current operation for the FEFP shall be distributed
 1317 periodically in the manner prescribed in the General
 1318 Appropriations Act.

1319 (a) If the funds appropriated for current operation of the
 1320 FEFP are not sufficient to pay the state requirement in full,
 1321 the department shall prorate the available state funds to each
 1322 district in the following manner:

1323 1. Determine the percentage of proration by dividing the
 1324 sum of the total amount for current operation, as provided in
 1325 this paragraph for all districts collectively, and the total
 1326 district required local effort into the sum of the state funds
 1327 available for current operation and the total district required
 1328 local effort.

1329 2. Multiply the percentage so determined by the sum of the
 1330 total amount for current operation as provided in this paragraph
 1331 and the required local effort for each individual district.

1332 3. From the product of such multiplication, subtract the
 1333 required local effort of each district; and the remainder shall
 1334 be the amount of state funds allocated to the district for
 1335 current operation provided that no calculation subsequent to the
 1336 appropriation shall result in negative state funds for any
 1337 district.

1338 Section 20. Subsection (1) of section 1011.67, Florida
 1339 Statutes, is amended to read:

1340 1011.67 Funds for instructional materials.—

1341 (1) The department is authorized to allocate and
 1342 distribute to each district an amount as prescribed annually by
 1343 the Legislature for instructional materials for student

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1344 membership in basic and special programs in grades K-12, which
1345 will provide for growth and maintenance needs. For purposes of
1346 this subsection, unweighted full-time equivalent students
1347 enrolled in the lab schools in state universities are to be
1348 included as school district students and reported as such to the
1349 department. ~~These funds shall be distributed to school districts~~
1350 ~~as follows: 50 percent on or about July 10; 35 percent on or~~
1351 ~~about October 10; 10 percent on or about January 10; and 5~~
1352 ~~percent on or about June 10.~~ The annual allocation shall be
1353 determined as follows:

1354 (a) The growth allocation for each school district shall
1355 be calculated as follows:

1356 1. Subtract from that district's projected full-time
1357 equivalent membership of students in basic and special programs
1358 in grades K-12 used in determining the initial allocation of the
1359 Florida Education Finance Program, the prior year's full-time
1360 equivalent membership of students in basic and special programs
1361 in grades K-12 for that district.

1362 2. Multiply any such increase in full-time equivalent
1363 student membership by the allocation for a set of instructional
1364 materials, as determined by the department, or as provided for
1365 in the General Appropriations Act.

1366 3. The amount thus determined shall be that district's
1367 initial allocation for growth for the school year. However, the
1368 department shall recompute and adjust the initial allocation
1369 based on actual full-time equivalent student membership data for
1370 that year.

1371 (b) The maintenance of the instructional materials

1372 allocation for each school district shall be calculated by
 1373 multiplying each district's prior year full-time equivalent
 1374 membership of students in basic and special programs in grades
 1375 K-12 by the allocation for maintenance of a set of instructional
 1376 materials as provided for in the General Appropriations Act. The
 1377 amount thus determined shall be that district's initial
 1378 allocation for maintenance for the school year; however, the
 1379 department shall recompute and adjust the initial allocation
 1380 based on such actual full-time equivalent student membership
 1381 data for that year.

1382 (c) In the event the funds appropriated are not sufficient
 1383 for the purpose of implementing this subsection in full, the
 1384 department shall prorate the funds available for instructional
 1385 materials after first funding in full each district's growth
 1386 allocation.

1387 Section 21. Subsection (2) of section 1011.68, Florida
 1388 Statutes, is amended to read:

1389 1011.68 Funds for student transportation.—The annual
 1390 allocation to each district for transportation to public school
 1391 programs, including charter schools as provided in s.
 1392 1002.33(17)(b), of students in membership in kindergarten
 1393 through grade 12 and in migrant and exceptional student programs
 1394 below kindergarten shall be determined as follows:

1395 (2) The allocation for each district shall be calculated
 1396 annually in accordance with the following formula:
 1397 $T = B + EX$. The elements of this formula are defined as follows:
 1398 T is the total dollar allocation for transportation. B is the
 1399 base transportation dollar allocation prorated by an adjusted

1400 student membership count. The adjusted membership count shall be
 1401 derived from a multiplicative index function in which the base
 1402 student membership is adjusted by multiplying it by index
 1403 numbers that individually account for the impact of the price
 1404 level index, average bus occupancy, and the extent of rural
 1405 population in the district. EX is the base transportation dollar
 1406 allocation for disabled students prorated by an adjusted
 1407 disabled student membership count. The base transportation
 1408 dollar allocation for disabled students is the total state base
 1409 disabled student membership count weighted for increased costs
 1410 associated with transporting disabled students and multiplying
 1411 it by a ~~the~~ prior year's average per student cost for
 1412 transportation as determined by the Legislature. The adjusted
 1413 disabled student membership count shall be derived from a
 1414 multiplicative index function in which the weighted base
 1415 disabled student membership is adjusted by multiplying it by
 1416 index numbers that individually account for the impact of the
 1417 price level index, average bus occupancy, and the extent of
 1418 rural population in the district. Each adjustment factor shall
 1419 be designed to affect the base allocation by no more or less
 1420 than 10 percent.

1421 Section 22. Paragraph (b) of subsection (3) of section
 1422 1011.71, Florida Statutes, is amended to read:

1423 1011.71 District school tax.—

1424 (3)

1425 (b) In addition to the millage authorized in this section,
 1426 each district school board may, by a super majority vote, levy
 1427 an additional 0.25 mills for critical capital outlay needs or

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1428 for critical operating needs. If levied for capital outlay,
 1429 expenditures shall be subject to the requirements of this
 1430 section. If levied for operations, expenditures shall be
 1431 consistent with the requirements for operating funds received
 1432 pursuant to s. 1011.62. If the district levies this additional
 1433 0.25 mills for operations, the compression adjustment pursuant
 1434 to s. 1011.62(5) shall be calculated and added to the district's
 1435 FEEP allocation. Millage levied pursuant to this paragraph is
 1436 subject to the provisions of s. 200.065. In order to be
 1437 continued after the 2010-2011 fiscal year, millage levied
 1438 pursuant to this paragraph must be approved by the voters of the
 1439 district at the 2010 next general election or at a subsequent
 1440 election held at any time, except that not more than one such
 1441 election shall be held during any 12-month period. Any millage
 1442 so authorized shall be levied for a period not in excess of 2
 1443 years or until changed by another millage election, whichever is
 1444 earlier. If any such election is invalidated by a court of
 1445 competent jurisdiction, such invalidated election shall be
 1446 considered not to have been held.

1447 Section 23. Subsection (2) of section 1011.73, Florida
 1448 Statutes, is amended to read:

1449 1011.73 District millage elections.—

1450 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
 1451 school board, pursuant to resolution adopted at a regular
 1452 meeting, shall direct the county commissioners to call an
 1453 election at which the electors within the school district may
 1454 approve an ad valorem tax millage as authorized under s.
 1455 1011.71(9) ~~(8)~~. Such election may be held at any time, except

1456 that not more than one such election shall be held during any
 1457 12-month period. Any millage so authorized shall be levied for a
 1458 period not in excess of 4 years or until changed by another
 1459 millage election, whichever is earlier. If any such election is
 1460 invalidated by a court of competent jurisdiction, such
 1461 invalidated election shall be considered not to have been held.

1462 Section 24. Subsection (1) of section 1012.55, Florida
 1463 Statutes, is amended to read:

1464 1012.55 Positions for which certificates required.—

1465 (1) The State Board of Education shall classify school
 1466 services, designate the certification subject areas, establish
 1467 competencies, including the use of technology to enhance student
 1468 learning, and certification requirements for all school-based
 1469 personnel, and adopt rules in accordance with which the
 1470 professional, temporary, and part-time certificates shall be
 1471 issued by the Department of Education to applicants who meet the
 1472 standards prescribed by such rules for their class of service.
 1473 Each person employed or occupying a position as school
 1474 supervisor, school principal, teacher, library media specialist,
 1475 school counselor, athletic coach, or other position in which the
 1476 employee serves in an instructional capacity, in any public
 1477 school of any district of this state shall hold the certificate
 1478 required by law and by rules of the State Board of Education in
 1479 fulfilling the requirements of the law for the type of service
 1480 rendered. Such positions include personnel providing direct
 1481 instruction to students through a virtual environment or through
 1482 a blended virtual and physical environment. The Department of
 1483 Education shall identify appropriate educator certification for

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1484 the instruction of specified courses in an annual publication of
 1485 a directory of course code numbers for all programs and courses
 1486 that are funded through the Florida Education Finance Program.
 1487 However, the state board shall adopt rules authorizing district
 1488 school boards to employ selected noncertificated personnel to
 1489 provide instructional services in the individuals' fields of
 1490 specialty or to assist instructional staff members as education
 1491 paraprofessionals.

1492 Section 25. Paragraph (a) of subsection (1) of section
 1493 1013.62, Florida Statutes, is amended to read:

1494 1013.62 Charter schools capital outlay funding.—

1495 (1) In each year in which funds are appropriated for
 1496 charter school capital outlay purposes, the Commissioner of
 1497 Education shall allocate the funds among eligible charter
 1498 schools.

1499 (a) To be eligible for a funding allocation, a charter
 1500 school must:

1501 1.a. Have been in operation for 3 or more years;

1502 b. Be governed by a governing board established in the
 1503 state for 3 or more years which operates both charter schools
 1504 and conversion charter schools within the state;

1505 c. Be an expanded feeder chain of a charter school within
 1506 the same school district that is currently receiving charter
 1507 school capital outlay funds; ~~or~~

1508 d. Have been accredited by the Commission on Schools of
 1509 the Southern Association of Colleges and Schools; or

1510 e. Serve students in facilities that are provided by a
 1511 business partner for a charter school-in-the-workplace pursuant

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1512 | to s. 1002.33(15) (b).

1513 | 2. Have financial stability for future operation as a
1514 | charter school.

1515 | 3. Have satisfactory student achievement based on state
1516 | accountability standards applicable to the charter school.

1517 | 4. Have received final approval from its sponsor pursuant
1518 | to s. 1002.33 for operation during that fiscal year.

1519 | 5. Serve students in facilities that are not provided by
1520 | the charter school's sponsor.

1521 | Section 26. Except as otherwise expressly provided in this
1522 | act, this act shall take effect July 1, 2010.