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2010 Legislature

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. 1001.395, F.S.; extending the duration of a
10 provision specifying methods to calculate the salary of a
11 district school board member; amending s. 1001.451, F.S.;
12 revising provisions relating to the appropriation of funds
13 for regional consortium service organizations; amending s.
14 1002.32, F.S.; revising and correcting a calculation
15 relating to funding for lab school operating purposes;
16 amending s. 1002.33, F.S.; requiring a charter school to
17 be in compliance with maximum class size requirements
18 based on the school-level average; revising provisions
19 that exempt charter school facilities from certain fees;
20 providing that certain capital outlay funds shared with a
21 charter school-in-the-workplace have met expenditure
22 requirements; revising provisions relating to the
23 withholding and use of an administrative fee for provision
24 of services by the sponsor of a charter school; amending
25 s. 1002.37, F.S.; revising and correcting a calculation
26 relating to funding for Florida Virtual School operating
27 purposes; amending s. 1002.39, F.S.; revising provisions
28 relating to private school documentation for quarterly

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29 scholarship payments under the John M. McKay Scholarships
30 for Students with Disabilities Program; amending s.
31 1002.45, F.S.; providing for school district virtual
32 instruction programs to include programs offered by
33 community colleges; requiring that community college
34 instructors meet certain certification requirements;
35 providing an additional condition by which a student may
36 become eligible to enroll in a school district virtual
37 instruction program; prohibiting a community college from
38 reporting students served in a school district virtual
39 instruction program for funding under the Community
40 College Program Fund; removing obsolete provisions
41 requiring a report; amending s. 1002.71, F.S.; reducing
42 the amount of funds that an early learning coalition may
43 retain for administrative purposes from funds paid to
44 private prekindergarten providers and public schools;
45 amending s. 1003.03, F.S.; requiring the Department of
46 Education to annually calculate class size measures;
47 requiring district school boards to hold public hearings
48 and provide information to parents on district strategies
49 to meet class size requirements; deleting obsolete
50 provisions; revising implementation options; revising
51 requirements for the Department of Education with respect
52 to the calculation of class size and the reduction and
53 reallocation of certain funds; requiring districts that
54 have not complied with class size requirements to submit a
55 plan that describes actions for compliance; providing for
56 alternative class size measures, implementation,

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57 | calculations, and accountability to take effect upon
58 | approval of an amendment to the State Constitution by the
59 | electors of the state; providing for retroactive effect;
60 | amending s. 1003.42, F.S.; requiring instructional
61 | materials relating to the history of African Americans to
62 | include certain information; amending s. 1003.492, F.S.;
63 | clarifying the duties of the Department of Education in
64 | approving the list of industry certifications for career
65 | education programs; amending s. 1003.52, F.S.; providing
66 | that certain requirements relating to educational services
67 | in Department of Juvenile Justice programs shall be
68 | implemented to the extent funds are available; amending s.
69 | 1004.925, F.S.; revising provisions relating to the
70 | certification of automotive service technology education
71 | programs; providing a restriction on funding; amending s.
72 | 1006.28, F.S.; redefining the term "adequate instructional
73 | materials" to include electronic content; creating s.
74 | 1006.281, F.S.; encouraging school districts to provide
75 | access to an electronic learning management system for
76 | teachers, students, and parents; specifying the
77 | functionality of such a system; requiring the Department
78 | of Education to assist school districts in deploying an
79 | electronic learning management system; amending s.
80 | 1006.29, F.S.; providing that instructional materials
81 | include electronic content; requiring that a publisher or
82 | manufacturer providing instructional materials as a single
83 | bundle make the materials available separately and priced
84 | individually; requiring that instructional materials

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85 | adopted after a specified date for students in grades 9
86 | through 12 be provided in an electronic format; amending
87 | s. 1006.33, F.S.; requiring that an advertisement for bids
88 | for instructional materials require the bidder to furnish
89 | electronic specimen copies of the materials; providing
90 | requirements for requesting certain samples; amending s.
91 | 1006.40, F.S.; including electronic content as an approved
92 | item of instruction; authorizing the use of funds for
93 | electronic or computer hardware under certain
94 | circumstances; amending s. 1007.27, F.S.; providing that
95 | secondary school students are authorized users of the
96 | state-funded electronic library resources licensed for
97 | postsecondary institutions; requiring the State Board of
98 | Education and the Board of Governors to adopt rules;
99 | amending s. 1010.79, F.S.; providing for the use of funds
100 | in the Sophomore Level Test Trust Fund; amending s.
101 | 1011.03, F.S.; requiring that a district school board post
102 | its proposed millage levies online; revising the
103 | requirements for publishing the proposed levies in a
104 | newspaper; amending s. 1011.62, F.S.; providing for the
105 | allocation and use of funds appropriated for the
106 | International Baccalaureate program and for students who
107 | complete an industry-certified career and professional
108 | academy program; revising calculations for school district
109 | required local effort; revising provisions relating to the
110 | transfer of categorical funds for certain purposes;
111 | authorizing a district school board to transfer certain
112 | categorical funds for instructional materials; authorizing

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113 the purchase of certain hardware; revising the calculation
114 for determination of a district's sparsity supplement;
115 providing that a calculation subsequent to an
116 appropriation does not result in negative state funds for
117 any district; providing for computation of prior year
118 district required local effort; amending s. 1011.64, F.S.;
119 conforming a cross-reference; amending s. 1011.66, F.S.;
120 revising provisions relating to the distribution of FEFP
121 funds; amending s. 1011.67, F.S.; deleting certain
122 requirements for distribution of funds for instructional
123 materials to school districts; amending s. 1011.68, F.S.;
124 revising a calculation for allocation of funds to school
125 districts for student transportation; amending s. 1011.71,
126 F.S.; authorizing the use of capital improvement millage
127 for certain computer hardware and hardware devices;
128 requiring that the levy of certain school district millage
129 must be approved by voters at specified elections;
130 providing restrictions; amending s. 1011.73, F.S.;
131 correcting a cross-reference; amending s. 1012.33, F.S.;
132 exempting specified reemployed instructional personnel
133 from certain requirements for determining pay; amending s.
134 1012.467, F.S.; requiring school districts to accept
135 reciprocity of certain screening for Florida High School
136 Athletic Association officials; amending s. 1012.55, F.S.;
137 requiring certification for personnel providing direct
138 instruction to students through a virtual environment or
139 through a blended virtual and physical environment;
140 amending s. 1013.62, F.S.; authorizing capital outlay

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141 funding for a charter school-in-the-workplace; requiring
142 the Office of Program Policy Analysis and Government
143 Accountability to conduct a study of the Special Facility
144 Construction Account program and make recommendations to
145 the Legislature and Governor; authorizing the Commissioner
146 of Education to administer a one-time student
147 transportation survey for the Jefferson County School
148 District; providing for the use of funds to assist in the
149 management of school district operations; providing an
150 appropriation; providing effective dates.

151

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

153

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

156 212.055 Discretionary sales surtaxes; legislative intent;
157 authorization and use of proceeds.—It is the legislative intent
158 that any authorization for imposition of a discretionary sales
159 surtax shall be published in the Florida Statutes as a
160 subsection of this section, irrespective of the duration of the
161 levy. Each enactment shall specify the types of counties
162 authorized to levy; the rate or rates which may be imposed; the
163 maximum length of time the surtax may be imposed, if any; the
164 procedure which must be followed to secure voter approval, if
165 required; the purpose for which the proceeds may be expended;
166 and such other requirements as the Legislature may provide.
167 Taxable transactions and administrative procedures shall be as
168 provided in s. 212.054.

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169 (6) SCHOOL CAPITAL OUTLAY SURTAX.—
 170 ~~(d) Any school board imposing the surtax shall implement a~~
 171 ~~freeze on noncapital local school property taxes, at the millage~~
 172 ~~rate imposed in the year prior to the implementation of the~~
 173 ~~surtax, for a period of at least 3 years from the date of~~
 174 ~~imposition of the surtax. This provision shall not apply to~~
 175 ~~existing debt service or taxes authorized in the General~~
 176 ~~Appropriations Act.~~

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

180 Section 2. Paragraph (d) of subsection (2) of section
 181 216.292, Florida Statutes, is amended to read:

182 216.292 Appropriations nontransferable; exceptions.—

183 (2) The following transfers are authorized to be made by
 184 the head of each department or the Chief Justice of the Supreme
 185 Court whenever it is deemed necessary by reason of changed
 186 conditions:

187 ~~(d) The transfer of funds by the Executive Office of the~~
 188 ~~Governor from appropriations for public school operations to a~~
 189 ~~fixed capital outlay appropriation for class size reduction~~
 190 ~~based on recommendations of the Florida Education Finance~~
 191 ~~Program Appropriation Allocation Conference or the Legislative~~
 192 ~~Budget Commission pursuant to s. 1003.03(4)(a). Actions by the~~
 193 ~~Governor under this subsection are subject to the notice and~~
 194 ~~review provisions of s. 216.177.~~

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

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197 1001.395 District school board members; compensation.—
 198 (3) Notwithstanding the provisions of this section and s.
 199 145.19, for the 2010-2011 ~~2009-2010~~ fiscal year, the salary of
 200 each district school board member shall be the amount calculated
 201 pursuant to subsection (1) or the district's beginning salary
 202 for teachers who hold baccalaureate degrees, whichever is less.

203 Section 4. Paragraph (c) of subsection (2) of section
 204 1001.451, Florida Statutes, is amended to read:

205 1001.451 Regional consortium service organizations.—In
 206 order to provide a full range of programs to larger numbers of
 207 students, minimize duplication of services, and encourage the
 208 development of new programs and services:

209 (2)

210 (c) Notwithstanding paragraph (a), the appropriation for
 211 the 2010-2011 ~~2009-2010~~ fiscal year may be less than \$50,000 per
 212 school district and eligible member. If the amount appropriated
 213 is insufficient to provide \$50,000, the funds available must be
 214 prorated among all eligible districts and members. This
 215 paragraph expires July 1, 2011 ~~July 1, 2010~~.

216 Section 5. Paragraphs (d) and (e) of subsection (9) of
 217 section 1002.32, Florida Statutes, are amended to read:

218 1002.32 Developmental research (laboratory) schools.—

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

221 (d) Each lab school shall receive funds for operating
 222 purposes in an amount determined as follows: multiply the
 223 maximum allowable nonvoted discretionary millage for operations
 224 pursuant to s. 1011.71(1) and (3) by the value of 96 ~~95~~ percent

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225 of the current year's taxable value for school purposes for the
 226 district in which each lab school is located; divide the result
 227 by the total full-time equivalent membership of the district;
 228 and multiply the result by the full-time equivalent membership
 229 of the lab school. The amount thus obtained shall be
 230 discretionary operating funds and shall be appropriated from
 231 state funds in the General Appropriations Act to the Lab School
 232 Trust Fund.

233 (e) Each lab school shall receive funds for capital
 234 improvement purposes in an amount determined as follows:
 235 multiply the maximum allowable nonvoted discretionary millage
 236 for capital improvements pursuant to s. 1011.71(2) by the value
 237 of 96 ~~95~~ percent of the current year's taxable value for school
 238 purposes for the district in which each lab school is located;
 239 divide the result by the total full-time equivalent membership
 240 of the district; and multiply the result by the full-time
 241 equivalent membership of the lab school. The amount thus
 242 obtained shall be discretionary capital improvement funds and
 243 shall be appropriated from state funds in the General
 244 Appropriations Act to the Lab School Educational Facility Trust
 245 Fund.

246 Section 6. Paragraph (b) of subsection (16), paragraph (d)
 247 of subsection (18), subsection (19), and paragraph (a) of
 248 subsection (20) of section 1002.33, Florida Statutes, are
 249 amended to read:

250 1002.33 Charter schools.—

251 (16) EXEMPTION FROM STATUTES.—

252 (b) Additionally, a charter school shall be in compliance

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253 with the following statutes:

254 1. Section 286.011, relating to public meetings and
 255 records, public inspection, and criminal and civil penalties.

256 2. Chapter 119, relating to public records.

257 3. Section 1003.03, relating to the maximum class size,
 258 except that the calculation for compliance pursuant to s.
 259 1003.03 shall be the average at the school level.

260 (18) FACILITIES.—

261 (d) Charter school facilities are exempt from assessments
 262 of fees for building permits, except as provided in s. 553.80;~~;~~
 263 fees for building and occupational licenses;~~;~~ impact fees or
 264 exactions; service availability fees;~~;~~ and assessments for
 265 special benefits.

266 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
 267 for capital outlay funds pursuant to s. 1013.62. Capital outlay
 268 funds authorized in s. 1011.71(2) that have been shared with a
 269 charter school-in-the-workplace prior to July 1, 2010, are
 270 deemed to have met the authorized expenditure requirements for
 271 such funds.

272 (20) SERVICES.—

273 (a) 1. A sponsor shall provide certain administrative and
 274 educational services to charter schools. These services shall
 275 include contract management services; full-time equivalent and
 276 data reporting services; exceptional student education
 277 administration services; services related to eligibility and
 278 reporting duties required to ensure that school lunch services
 279 under the federal lunch program, consistent with the needs of
 280 the charter school, are provided by the school district at the

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281 request of the charter school, that any funds due to the charter
282 school under the federal lunch program be paid to the charter
283 school as soon as the charter school begins serving food under
284 the federal lunch program, and that the charter school is paid
285 at the same time and in the same manner under the federal lunch
286 program as other public schools serviced by the sponsor or the
287 school district; test administration services, including payment
288 of the costs of state-required or district-required student
289 assessments; processing of teacher certificate data services;
290 and information services, including equal access to student
291 information systems that are used by public schools in the
292 district in which the charter school is located. Student
293 performance data for each student in a charter school,
294 including, but not limited to, FCAT scores, standardized test
295 scores, previous public school student report cards, and student
296 performance measures, shall be provided by the sponsor to a
297 charter school in the same manner provided to other public
298 schools in the district.

299 2. A total administrative fee for the provision of such
300 services shall be calculated based upon up to 5 percent of the
301 available funds defined in paragraph (17)(b) for all students.
302 However, a sponsor may only withhold up to a 5-percent
303 administrative fee for enrollment for up to and including 250
304 ~~500~~ students. For charter schools with a population of 251 ~~501~~
305 or more students, the difference between the total
306 administrative fee calculation and the amount of the
307 administrative fee withheld may only be used for capital outlay
308 purposes specified in s. 1013.62(2).

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309 3. In addition, a sponsor may withhold only up to a 5-
 310 percent administrative fee for enrollment for up to and
 311 including 500 students within a system of charter schools which
 312 meets all of the following:

- 313 a. Includes both conversion charter schools and
- 314 nonconversion charter schools;
- 315 b. Has all schools located in the same county;
- 316 c. Has a total enrollment exceeding the total enrollment
 317 of at least one school district in the state;
- 318 d. Has the same governing board; and
- 319 e. Does not contract with a for-profit service provider
 320 for management of school operations.

321 4. The difference between the total administrative fee
 322 calculation and the amount of the administrative fee withheld
 323 pursuant to subparagraph 3. may be used for instructional and
 324 administrative purposes as well as for capital outlay purposes
 325 specified in s. 1013.62(2).

326 5. Each charter school shall receive 100 percent of the
 327 funds awarded to that school pursuant to s. 1012.225. Sponsors
 328 shall not charge charter schools any additional fees or
 329 surcharges for administrative and educational services in
 330 addition to the maximum 5-percent administrative fee withheld
 331 pursuant to this paragraph.

332 Section 7. Paragraph (f) of subsection (3) of section
 333 1002.37, Florida Statutes, is amended to read:

334 1002.37 The Florida Virtual School.—

335 (3) Funding for the Florida Virtual School shall be
 336 provided as follows:

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337 (f) The Florida Virtual School shall receive funds for
338 operating purposes in an amount determined as follows: multiply
339 the maximum allowable nonvoted discretionary millage for
340 operations pursuant to s. 1011.71(1) and (3) by the value of 96
341 95 percent of the current year's taxable value for school
342 purposes for the state; divide the result by the total full-time
343 equivalent membership of the state; and multiply the result by
344 the full-time equivalent membership of the school. The amount
345 thus obtained shall be discretionary operating funds and shall
346 be appropriated from state funds in the General Appropriations
347 Act.

348 Section 8. Paragraph (b) of subsection (8) of section
349 1002.39, Florida Statutes, is amended to read:

350 1002.39 The John M. McKay Scholarships for Students with
351 Disabilities Program.—There is established a program that is
352 separate and distinct from the Opportunity Scholarship Program
353 and is named the John M. McKay Scholarships for Students with
354 Disabilities Program.

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

359 (b) Provide to the department all documentation required
360 for a student's participation, including the private school's
361 and student's fee schedules, at least 30 days before any ~~the~~
362 ~~first~~ quarterly scholarship payment is made for the student
363 pursuant to paragraph (10) (e). A student is not eligible to
364 receive a quarterly scholarship payment if the private school

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365 fails to meet this deadline.

366
 367 The inability of a private school to meet the requirements of
 368 this subsection shall constitute a basis for the ineligibility
 369 of the private school to participate in the scholarship program
 370 as determined by the department.

371 Section 9. Paragraphs (a) and (b) of subsection (1),
 372 paragraph (a) of subsection (2), and subsections (7) and (12) of
 373 section 1002.45, Florida Statutes, are amended, and paragraph
 374 (d) is added to subsection (5) of that section, to read:

375 1002.45 School district virtual instruction programs.—

376 (1) PROGRAM.—

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

378 1. "Approved provider" means a provider that is approved
 379 by the Department of Education under subsection (2), the Florida
 380 Virtual School, ~~or~~ a franchise of the Florida Virtual School, or
 381 a community college.

382 2. "Virtual instruction program" means a program of
 383 instruction provided in an interactive learning environment
 384 created through technology in which students are separated from
 385 their teachers by time or space, or both, and in which a
 386 Florida-certified teacher under chapter 1012 is responsible for
 387 at least:

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

390 b. Eighty percent of the direct instruction to students in
 391 grades 6 through 12.

392 (b) Beginning with the 2009-2010 school year, each school

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393 district shall provide eligible students within its boundaries
 394 the option of participating in a virtual instruction program.
 395 The purpose of the program is to make instruction available to
 396 students using online and distance learning technology in the
 397 nontraditional classroom. The program shall be:

398 1. Full-time for students enrolled in kindergarten through
 399 grade 12.

400 2. Full-time or part-time for students in grades 9 through
 401 12 who are enrolled in dropout prevention and academic
 402 intervention programs under s. 1003.53, ~~or~~ Department of
 403 Juvenile Justice education programs under s. 1003.52, core-
 404 curricula courses to meet class size requirements under s.
 405 1003.03, or community colleges under this section ~~in grades 9~~
 406 ~~through 12.~~

407 (2) PROVIDER QUALIFICATIONS.—

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

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

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

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

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421 1012.32, using state and national criminal history records;
 422 4. Possesses prior, successful experience offering online
 423 courses to elementary, middle, or high school students; ~~and~~
 424 5. Is accredited by the Southern Association of Colleges
 425 and Schools Council on Accreditation and School Improvement, the
 426 North Central Association Commission on Accreditation and School
 427 Improvement, the Middle States Association of Colleges and
 428 Schools Commission on Elementary Schools and Commission on
 429 Secondary Schools, the New England Association of Schools and
 430 Colleges, the Northwest Association of Accredited Schools, the
 431 Western Association of Schools and Colleges, or the Commission
 432 on International and Trans-Regional Accreditation; and
 433 6. If the provider is a community college, employs
 434 instructors who meet the certification requirements for
 435 instructional staff under chapter 1012.
 436 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
 437 instruction program provided by the school district in which he
 438 or she resides if the student meets at least one of the
 439 following conditions:
 440 (d) The student has a sibling who is currently enrolled in
 441 a school district virtual instruction program and that sibling
 442 was enrolled in such program at the end of the prior school
 443 year.
 444 (7) FUNDING.—
 445 (a) For purposes of a school district virtual instruction
 446 program, "full-time equivalent student" has the same meaning as
 447 provided in s. 1011.61(1)(c)1.b.(III) or (IV).
 448 (b) The school district in which the student resides shall

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449 report full-time equivalent students for the school district
450 virtual instruction program to the department in a manner
451 prescribed by the department, and funding shall be provided
452 through the Florida Education Finance Program. Funds received by
453 the school district of residence for a student in a virtual
454 instruction program provided by another school district under
455 this section shall be transferred to the school district
456 providing the virtual instruction program.

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

460 ~~(12) STUDY. The department shall review the advisability~~
461 ~~of legislatively authorizing school districts to contract with~~
462 ~~approved private providers for the provision of part-time~~
463 ~~virtual instruction programs for students in grades 9 through 12~~
464 ~~who are not enrolled in programs under ss. 1003.52 and 1003.53.~~
465 ~~The department shall report its findings and recommendations to~~
466 ~~the presiding officers of the Legislature and the Governor by~~
467 ~~January 15, 2010.~~

468 Section 10. Subsection (7) of section 1002.71, Florida
469 Statutes, is amended to read:

470 1002.71 Funding; financial and attendance reporting.—

471 (7) The Agency for Workforce Innovation shall require that
472 administrative expenditures be kept to the minimum necessary for
473 efficient and effective administration of the Voluntary
474 Prekindergarten Education Program. Administrative policies and
475 procedures shall be revised, to the maximum extent practicable,
476 to incorporate the use of automation and electronic submission

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477 of forms, including those required for child eligibility and
 478 enrollment, provider and class registration, and monthly
 479 certification of attendance for payment. A school district may
 480 use its automated daily attendance reporting system for the
 481 purpose of transmitting attendance records to the early learning
 482 coalition in a mutually agreed-upon format. In addition, actions
 483 shall be taken to reduce paperwork, eliminate the duplication of
 484 reports, and eliminate other duplicative activities. Beginning
 485 with the 2010-2011 ~~2008-2009~~ fiscal year, each early learning
 486 coalition may retain and expend no more than 4.5 ~~4.85~~ percent of
 487 the funds paid by the coalition to private prekindergarten
 488 providers and public schools under paragraph (5)(b). Funds
 489 retained by an early learning coalition under this subsection
 490 may be used only for administering the Voluntary Prekindergarten
 491 Education Program and may not be used for the school readiness
 492 program or other programs.

493 Section 11. Subsections (2), (3), and (4) of section
 494 1003.03, Florida Statutes, are amended to read:

495 1003.03 Maximum class size.—

496 (2) IMPLEMENTATION.—

497 (a) The Department of Education shall annually calculate
 498 class size measures described in subsection (1) based upon the
 499 October student membership survey.

500 (b) Prior to the adoption of the district school budget
 501 for 2010-2011, each district school board shall hold public
 502 hearings and provide information to parents on the district's
 503 website, and through any other means by which the district
 504 provides information to parents and the public, on the

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505 district's strategies to meet the requirements in subsection
506 (1).

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

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

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

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

521 ~~3. For fiscal year 2010-2011 and thereafter, the~~
522 ~~calculation for compliance shall be at the individual classroom~~
523 ~~level.~~

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

527 ~~(c) The Department of Education shall annually calculate~~
528 ~~each of the three average class size measures defined in~~
529 ~~paragraphs (a) and (b) based upon the October student membership~~
530 ~~survey. For purposes of determining the baseline from which each~~
531 ~~district's average class size must be reduced for the 2003-2004~~
532 ~~school year, the department shall use data from the February~~

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533 ~~2003 student membership survey updated to include classroom~~
534 ~~identification numbers as required by the department.~~

535 ~~(d) Prior to the adoption of the district school budget~~
536 ~~for 2004-2005, each district school board shall hold public~~
537 ~~hearings to review school attendance zones in order to ensure~~
538 ~~maximum use of facilities while minimizing the additional use of~~
539 ~~transportation in order to comply with the two student per year~~
540 ~~reduction required in paragraph (a). School districts that meet~~
541 ~~the constitutional class size maximums described in subsection~~
542 ~~(1) are exempt from this requirement.~~

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

548 (a) Adopt policies to encourage qualified students to take
549 dual enrollment courses.

550 (b) Adopt policies to encourage students to take courses
551 from the Florida Virtual School and school district virtual
552 instruction programs.

553 (c)1. Repeal district school board policies that require
554 students to have more than 24 credits to graduate from high
555 school.

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

559 (d) Use methods to maximize use of instructional staff,
560 such as changing required teaching loads and scheduling of

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561 | planning periods, deploying district employees that have
562 | professional certification to the classroom, using adjunct
563 | educators, or any other method not prohibited by law.

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

568 | (f) Use joint-use facilities through partnerships with
569 | community colleges, state universities, and private colleges and
570 | universities. Joint-use facilities available for use as K-12
571 | classrooms that do not meet the K-12 State Regulations for
572 | Educational Facilities in the Florida Building Code may be used
573 | at the discretion of the district school board provided that
574 | such facilities meet all other health, life, safety, and fire
575 | codes.

576 | (g) Adopt alternative methods of class scheduling, such as
577 | block scheduling.

578 | (h) Redraw school attendance zones to maximize use of
579 | facilities while minimizing the additional use of
580 | transportation.

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

584 | (j) Use year-round schools and other nontraditional
585 | calendars that do not adversely impact annual assessment of
586 | student achievement.

587 | (k) Review and consider amending any collective bargaining
588 | contracts that hinder the implementation of class size

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589 reduction.

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

591 (4) ACCOUNTABILITY.—

592 ~~(a) 1. Beginning in the 2003-2004 fiscal year, if the~~

593 ~~department determines for any year that a school district has~~

594 ~~not reduced average class size as required in subsection (2) at~~

595 ~~the time of the third FEFP calculation, the department shall~~

596 ~~calculate an amount from the class size reduction operating~~

597 ~~categorical which is proportionate to the amount of class size~~

598 ~~reduction not accomplished. Upon verification of the~~

599 ~~department's calculation by the Florida Education Finance~~

600 ~~Program Appropriation Allocation Conference and not later than~~

601 ~~March 1 of each year, the Executive Office of the Governor shall~~

602 ~~transfer undistributed funds equivalent to the calculated amount~~

603 ~~from the district's class size reduction operating categorical~~

604 ~~to an approved fixed capital outlay appropriation for class size~~

605 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~

606 ~~The amount of funds transferred shall be the lesser of the~~

607 ~~amount verified by the Florida Education Finance Program~~

608 ~~Appropriation Allocation Conference or the undistributed balance~~

609 ~~of the district's class size reduction operating categorical.~~

610 ~~2. In lieu of the transfer required by subparagraph 1.,~~

611 ~~the Commissioner of Education may recommend a budget amendment,~~

612 ~~subject to approval by the Legislative Budget Commission, to~~

613 ~~transfer an alternative amount of funds from the district's~~

614 ~~class size reduction operating categorical to its approved fixed~~

615 ~~capital outlay account for class size reduction if the~~

616 ~~commissioner finds that the State Board of Education has~~

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617 ~~reviewed evidence indicating that a district has been unable to~~
618 ~~meet class size reduction requirements despite appropriate~~
619 ~~effort to do so. The commissioner's budget amendment must be~~
620 ~~submitted to the Legislative Budget Commission by February 15 of~~
621 ~~each year.~~

622 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
623 ~~fiscal year funds from a district's class size operating~~
624 ~~categorical are required to be transferred to its fixed capital~~
625 ~~outlay fund and the district's class size operating categorical~~
626 ~~allocation in the General Appropriations Act for that fiscal~~
627 ~~year has been reduced by a subsequent appropriation, the~~
628 ~~Commissioner of Education may recommend a 50 percent reduction~~
629 ~~in the amount of the transfer.~~

630 ~~(a)(b) Beginning in the 2010-2011 fiscal year and each~~
631 ~~year thereafter, If the department determines that the number of~~
632 ~~students assigned to any individual class exceeds the class size~~
633 ~~maximum, as required in subsection (1)(2), based upon the~~
634 ~~October student membership survey at the time of the third FEFP~~
635 ~~calculation, the department shall:~~

636 1. Identify, for each grade group, the number of classes
637 in which ~~the enrollment exceeds the maximum~~, the number of
638 students ~~which~~ exceeds the maximum ~~for each class~~, and the total
639 number of students which exceeds the maximum for all classes.

640 2. Determine the number of FTE ~~full-time equivalent~~
641 students which exceeds the maximum ~~class size~~ for each grade
642 group.

643 3. Multiply the total number of FTE students which exceeds
644 the maximum ~~class size~~ for each grade group by the district's

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645 FTE dollar amount of the class size categorical ~~class-size-~~
 646 ~~reduction~~ allocation for that year and calculate the total for
 647 all three grade groups.

648 4. Multiply the total number of FTE students which exceeds
 649 the maximum for all classes by an amount equal to 50 percent of
 650 the base student allocation adjusted by the district cost
 651 differential for the 2010-2011 fiscal year and by an amount
 652 equal to the base student allocation adjusted by the district
 653 cost differential beginning in the 2011-2012 fiscal year and
 654 thereafter.

655 5.4. Reduce the district's class size ~~class-size-reduction~~
 656 ~~operating~~ categorical allocation by an amount equal to the sum
 657 of the calculations ~~calculation~~ in subparagraphs ~~subparagraph~~ 3.
 658 and 4.

659 (b) The amount of funds reduced shall be the lesser of the
 660 amount calculated in paragraph (a) or the undistributed balance
 661 of the district's class size categorical allocation. The Florida
 662 Education Finance Program Appropriation Allocation Conference
 663 shall verify the department's calculation in paragraph (a). The
 664 commissioner may withhold distribution of the class size
 665 categorical allocation to the extent necessary to comply with
 666 paragraph (a).

667 ~~(c) Upon verification of the department's calculation by~~
 668 ~~the Florida Education Finance Program Appropriation Allocation~~
 669 ~~Conference and no later than March 1 of each year, the Executive~~
 670 ~~Office of the Governor shall place these funds in reserve, and~~
 671 ~~the undistributed funds shall revert to the General Revenue Fund~~
 672 ~~unallocated at the end of the fiscal year. The amount of funds~~

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673 ~~reduced shall be the lesser of the amount verified by the~~
 674 ~~Florida Education Finance Program Appropriation Allocation~~
 675 ~~Conference or the undistributed balance of the district's class-~~
 676 ~~size reduction operating categorical allocation.~~

677 (c) ~~(d)~~ In lieu of the reduction calculation in paragraph
 678 (a) ~~(b)~~, if the Commissioner of Education has evidence that a
 679 district was unable to meet the class size requirements despite
 680 appropriate efforts to do so or because of an extreme emergency,
 681 the commissioner may recommend by February 15 a budget
 682 amendment, subject to approval of the Legislative Budget
 683 Commission, the reduction of to reduce an alternate alternative
 684 amount of funds from the district's class size class-size-
 685 reduction operating categorical allocation. The commissioner's
 686 budget amendment must be submitted to the Legislative Budget
 687 Commission by February 15 of each year.

688 (d) Upon approval of the reduction calculation in
 689 paragraphs (a)-(c), the commissioner must prepare a reallocation
 690 of the funds made available for the districts that have fully
 691 met the class size requirements. The funds shall be reallocated
 692 by calculating an amount of up to 5 percent of the base student
 693 allocation multiplied by the total district FTE students. The
 694 reallocation total may not exceed 25 percent of the total funds
 695 reduced.

696 (e) Each district that has not complied with the
 697 requirements in subsection (1) shall submit to the commissioner
 698 by February 15 a plan certified by the district school board
 699 that describes the specific actions the district will take in
 700 order to fully comply with the requirements in subsection (1) by

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701 October of the following school year. If a district submits the
 702 certified plan by the required deadline, the funds remaining
 703 after the reallocation calculation in paragraph (d) shall be
 704 added back to the district's class size categorical allocation
 705 based on each qualifying district's proportion of the total
 706 reduction for all qualifying districts for which a reduction was
 707 calculated in paragraphs (a)-(c). However, no district shall
 708 have an amount added back that is greater than the amount that
 709 was reduced.

710 (f) The department shall adjust school district class size
 711 reduction categorical allocation distributions based on the
 712 calculations in paragraphs (a)-(e).

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

719 Section 12. Effective upon approval by the electors of
 720 Senate Joint Resolution 2 in the 2010 General Election and
 721 retroactive to the beginning of the 2010-2011 school year,
 722 subsections (1) through (4) of section 1003.03, Florida
 723 Statutes, are amended to read:

724 1003.03 Maximum class size.—

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

728 (a) The average number of students at the school level

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729 assigned to each teacher who is teaching core-curricula courses
730 in public school classrooms for prekindergarten through grade 3
731 may not exceed 18 students, and the maximum number of students
732 assigned to a teacher in an individual classroom may not exceed
733 21 students.

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

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

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

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

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

756 (2) IMPLEMENTATION.—

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757 (a) The Department of Education shall annually calculate
758 class size measures as described in subsection (1) based upon
759 the October student membership survey.

760 (b) The calculation for compliance for each of the three
761 grade groups shall be the number of students assigned to each
762 teacher in an individual classroom and the average number of
763 students at the school level assigned to each teacher. Each
764 teacher assigned to any classroom shall be included in the
765 calculation for compliance.

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

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

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

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

780 ~~3. For fiscal year 2010-2011 and thereafter, the~~
781 ~~calculation for compliance shall be at the individual classroom~~
782 ~~level.~~

783 ~~4. For fiscal years 2006-2007 through 2009-2010 and~~
784 ~~thereafter, each teacher assigned to any classroom shall be~~

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785 ~~included in the calculation for compliance.~~

786 ~~(c) The Department of Education shall annually calculate~~
 787 ~~each of the three average class size measures defined in~~
 788 ~~paragraphs (a) and (b) based upon the October student membership~~
 789 ~~survey. For purposes of determining the baseline from which each~~
 790 ~~district's average class size must be reduced for the 2003-2004~~
 791 ~~school year, the department shall use data from the February~~
 792 ~~2003 student membership survey updated to include classroom~~
 793 ~~identification numbers as required by the department.~~

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

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

807 (a) Adopt policies to encourage qualified students to take
 808 dual enrollment courses.

809 (b) Adopt policies to encourage students to take courses
 810 from the Florida Virtual School and school district virtual
 811 instruction programs.

812 (c)1. Repeal district school board policies that require

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813 students to have more than 24 credits to graduate from high
814 school.

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

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

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

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

835 (g) Adopt alternative methods of class scheduling, such as
836 block scheduling.

837 (h) Redraw school attendance zones to maximize use of
838 facilities while minimizing the additional use of
839 transportation.

840 (i) Operate schools beyond the normal operating hours to

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841 provide classes in the evening or operate more than one session
842 of school during the day.

843 (j) Use year-round schools and other nontraditional
844 calendars that do not adversely impact annual assessment of
845 student achievement.

846 (k) Review and consider amending any collective bargaining
847 contracts that hinder the implementation of class size
848 reduction.

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

850 (4) ACCOUNTABILITY.—

851 (a) If the department determines that the number of
852 students assigned to any individual classroom exceeds the
853 classroom maximum, or if the department determines that the
854 school average is greater than the school-level maximum, as
855 required in subsection (1) based upon the October student
856 membership survey, the department shall for each of the three
857 grade groups:

858 1. Identify the number of FTE students in an individual
859 classroom which is greater than the classroom maximum and the
860 number of FTE students which is greater than the school-level
861 average maximum, not including the number of FTE students which
862 is greater than the classroom maximum.

863 2. Multiply the total number of FTE students as calculated
864 in subparagraph 1. which exceeds the maximum for each grade
865 group by the district's FTE dollar amount of the class size
866 categorical allocation for that year and calculate the total
867 dollar amount for all three grade groups.

868 3. Multiply the total number of FTE students as calculated

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869 in subparagraph 1. which exceeds the maximum by an amount equal
870 to 50 percent of the base student allocation adjusted by the
871 district cost differential for the 2010-2011 fiscal year and
872 beginning in the 2011-2012 fiscal year by an amount equal to the
873 base student allocation adjusted by the district cost
874 differential.

875 4. Reduce the district's class size categorical allocation
876 by an amount equal to the sum of the calculations in
877 subparagraphs 2. and 3.

878 (b) The amount of funds reduced shall be the lesser of the
879 amount calculated in paragraph (a) or the undistributed balance
880 of the district's class size categorical allocation. The Florida
881 Education Finance Program Appropriation Allocation Conference
882 shall verify the department's calculation in paragraph (a). The
883 commissioner may withhold distribution of the class size
884 categorical allocation to the extent necessary to comply with
885 paragraph (a).

886 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
887 ~~department determines for any year that a school district has~~
888 ~~not reduced average class size as required in subsection (2) at~~
889 ~~the time of the third FEFP calculation, the department shall~~
890 ~~calculate an amount from the class size reduction operating~~
891 ~~categorical which is proportionate to the amount of class size~~
892 ~~reduction not accomplished. Upon verification of the~~
893 ~~department's calculation by the Florida Education Finance~~
894 ~~Program Appropriation Allocation Conference and not later than~~
895 ~~March 1 of each year, the Executive Office of the Governor shall~~
896 ~~transfer undistributed funds equivalent to the calculated amount~~

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897 ~~from the district's class size reduction operating categorical~~
898 ~~to an approved fixed capital outlay appropriation for class size~~
899 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~

900 ~~The amount of funds transferred shall be the lesser of the~~
901 ~~amount verified by the Florida Education Finance Program~~
902 ~~Appropriation Allocation Conference or the undistributed balance~~
903 ~~of the district's class size reduction operating categorical.~~

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

916 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~
917 ~~fiscal year funds from a district's class size operating~~
918 ~~categorical are required to be transferred to its fixed capital~~
919 ~~outlay fund and the district's class size operating categorical~~
920 ~~allocation in the General Appropriations Act for that fiscal~~
921 ~~year has been reduced by a subsequent appropriation, the~~
922 ~~Commissioner of Education may recommend a 50-percent reduction~~
923 ~~in the amount of the transfer.~~

924 ~~(b) Beginning in the 2010-2011 fiscal year and each year~~

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925 ~~thereafter, if the department determines that the number of~~
 926 ~~students assigned to any individual class exceeds the class size~~
 927 ~~maximum, as required in subsection (2), at the time of the third~~
 928 ~~FEFP calculation, the department shall:~~

929 1. ~~Identify, for each grade group, the number of classes~~
 930 ~~in which the enrollment exceeds the maximum, the number of~~
 931 ~~students which exceeds the maximum for each class, and the total~~
 932 ~~number of students which exceeds the maximum for all classes.~~

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

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

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

942 ~~(c) Upon verification of the department's calculation by~~
 943 ~~the Florida Education Finance Program Appropriation Allocation~~
 944 ~~Conference and no later than March 1 of each year, the Executive~~
 945 ~~Office of the Governor shall place these funds in reserve, and~~
 946 ~~the undistributed funds shall revert to the General Revenue Fund~~
 947 ~~unallocated at the end of the fiscal year. The amount of funds~~
 948 ~~reduced shall be the lesser of the amount verified by the~~
 949 ~~Florida Education Finance Program Appropriation Allocation~~
 950 ~~Conference or the undistributed balance of the district's class-~~
 951 ~~size-reduction operating categorical allocation.~~

952 (c) ~~(d)~~ In lieu of the reduction calculation in paragraph

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953 (a) ~~(b)~~, if the Commissioner of Education has evidence that a
 954 district was unable to meet the class size requirements despite
 955 appropriate efforts to do so or because of an extreme emergency,
 956 the commissioner may recommend by February 15 a budget
 957 amendment, subject to approval of the Legislative Budget
 958 Commission, the reduction of ~~to reduce~~ an alternate alternative
 959 amount of funds from the district's class size ~~class-size-~~
 960 ~~reduction operating~~ categorical allocation. The commissioner's
 961 budget amendment must be submitted to the Legislative Budget
 962 Commission by February 15 of each year.

963 (d) Upon approval of the reduction calculation in
 964 paragraphs (a)-(c), the commissioner must prepare a reallocation
 965 of the funds made available for the districts that have fully
 966 met the class size requirements. The funds shall be reallocated
 967 by calculating an amount of up to 5 percent of the base student
 968 allocation multiplied by the total district FTE students. The
 969 reallocation total may not exceed 25 percent of the total funds
 970 reduced.

971 (e) Each district that has not complied with the
 972 requirements in subsection (1) shall submit to the commissioner
 973 by February 15 a plan certified by the district school board
 974 that describes the specific actions the district will take in
 975 order to fully comply with the requirements in subsection (1) by
 976 October of the following school year. If a district submits the
 977 certified plan by the required deadline, the funds remaining
 978 after the reallocation calculation in paragraph (d) shall be
 979 added back to the district's class size categorical allocation
 980 based on each qualifying district's proportion of the total

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981 reduction for all qualifying districts for which a reduction was
 982 calculated in paragraphs (a)-(c). However, no district shall
 983 have an amount added back that is greater than the amount that
 984 was reduced.

985 (f) The department shall adjust school district class size
 986 reduction categorical allocation distributions based on the
 987 calculations in paragraphs (a)-(e).

988 ~~(c) In addition to the calculation required in paragraph~~
 989 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
 990 ~~fiscal year, the department shall also prepare a simulated~~
 991 ~~calculation based on the requirements in paragraphs (b) and (c).~~
 992 ~~This simulated calculation shall be provided to the school~~
 993 ~~districts and the Legislature.~~

994 Section 13. Paragraph (h) of subsection (2) of section
 995 1003.42, Florida Statutes, is amended to read:

996 1003.42 Required instruction.-

997 (2) Members of the instructional staff of the public
 998 schools, subject to the rules of the State Board of Education
 999 and the district school board, shall teach efficiently and
 1000 faithfully, using the books and materials required that meet the
 1001 highest standards for professionalism and historic accuracy,
 1002 following the prescribed courses of study, and employing
 1003 approved methods of instruction, the following:

1004 (h) The history of African Americans, including the
 1005 history of African peoples before the political conflicts that
 1006 led to the development of slavery, the passage to America, the
 1007 enslavement experience, abolition, and the contributions of
 1008 African Americans to society. Instructional materials shall

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1009 | include the contributions of African Americans to American
 1010 | society.

1011 |
 1012 | The State Board of Education is encouraged to adopt standards
 1013 | and pursue assessment of the requirements of this subsection.

1014 | Section 14. Subsection (2) of section 1003.492, Florida
 1015 | Statutes, is amended to read:

1016 | 1003.492 Industry-certified career education programs.—

1017 | (2) The State Board of Education shall use the expertise
 1018 | of Workforce Florida, Inc., and Enterprise Florida, Inc., to
 1019 | develop and adopt rules pursuant to ss. 120.536(1) and 120.54
 1020 | for implementing an industry certification process. Industry
 1021 | certification shall be defined by the Agency for Workforce
 1022 | Innovation, based upon the highest available national standards
 1023 | for specific industry certification, to ensure student skill
 1024 | proficiency and to address emerging labor market and industry
 1025 | trends. A regional workforce board or a career and professional
 1026 | academy may apply to Workforce Florida, Inc., to request
 1027 | additions to the approved list of industry certifications based
 1028 | on high-demand job requirements in the regional economy. The
 1029 | list of industry certifications approved by Workforce Florida,
 1030 | Inc., and the Department of Education shall be published and
 1031 | updated annually by a date certain, to be included in the
 1032 | adopted rule.

1033 | Section 15. Subsection (15) of section 1003.52, Florida
 1034 | Statutes, is amended to read:

1035 | 1003.52 Educational services in Department of Juvenile
 1036 | Justice programs.—

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1037 (15) (a) The Department of Education in consultation with
1038 the Department of Juvenile Justice, district school boards, and
1039 providers shall establish objective and measurable quality
1040 assurance standards for the educational component of residential
1041 and nonresidential juvenile justice facilities. These standards
1042 shall rate the district school board's performance both as a
1043 provider and contractor. The quality assurance rating for the
1044 educational component shall be disaggregated from the overall
1045 quality assurance score and reported separately.

1046 (b) The Department of Education shall develop a
1047 comprehensive quality assurance review process and schedule for
1048 the evaluation of the educational component in juvenile justice
1049 programs. The Department of Juvenile Justice quality assurance
1050 site visit and the education quality assurance site visit shall
1051 be conducted during the same visit.

1052 (c) The Department of Education, in consultation with
1053 district school boards and providers, shall establish minimum
1054 thresholds for the standards and key indicators for educational
1055 programs in juvenile justice facilities. If a district school
1056 board fails to meet the established minimum standards, it will
1057 be given 6 months to achieve compliance with the standards. If
1058 after 6 months, the district school board's performance is still
1059 below minimum standards, the Department of Education shall
1060 exercise sanctions as prescribed by rules adopted by the State
1061 Board of Education. If a provider, under contract with the
1062 district school board, fails to meet minimum standards, such
1063 failure shall cause the district school board to cancel the
1064 provider's contract unless the provider achieves compliance

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1065 within 6 months or unless there are documented extenuating
 1066 circumstances.

1067 (d) The requirements in paragraphs (a), (b), and (c) shall
 1068 be implemented to the extent that funds are available.

1069 Section 16. Section 1004.925, Florida Statutes, is amended
 1070 to read:

1071 1004.925 Automotive service technology education programs;
 1072 certification.—

1073 (1) All automotive service technology education programs
 1074 shall be industry certified in accordance with rules adopted by
 1075 the State Board of Education by 2007.

1076 (2) New automotive service technology education programs
 1077 and automotive service technology education programs that are in
 1078 the process of becoming industry certified shall have 3 years to
 1079 become certified.

1080 (3) Effective with the 2013-2014 fiscal year, students
 1081 enrolled in an automotive service technology education program
 1082 that is not industry certified pursuant to this section shall
 1083 not be eligible to be reported for state funding.

1084 Section 17. Subsection (1) of section 1006.28, Florida
 1085 Statutes, is amended to read:

1086 1006.28 Duties of district school board, district school
 1087 superintendent; and school principal regarding K-12
 1088 instructional materials.—

1089 (1) DISTRICT SCHOOL BOARD.—The district school board has
 1090 the duty to provide adequate instructional materials for all
 1091 students in accordance with the requirements of this part. The
 1092 term "adequate instructional materials" means a sufficient

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1093 number of textbooks or sets of materials that are available in
1094 bound, unbound, kit, or package form and may consist of hard-
1095 backed or soft-backed textbooks, electronic content,
1096 consumables, learning laboratories, manipulatives, electronic
1097 media, and computer courseware or software that serve as the
1098 basis for instruction for each student in the core courses of
1099 mathematics, language arts, social studies, science, reading,
1100 and literature, except for instruction for which the school
1101 advisory council approves the use of a program that does not
1102 include a textbook as a major tool of instruction. The district
1103 school board has the following specific duties:

1104 (a) Courses of study; adoption.—Adopt courses of study for
1105 use in the schools of the district.

1106 (b) Textbooks.—Provide for proper requisitioning,
1107 distribution, accounting, storage, care, and use of all
1108 instructional materials furnished by the state and furnish such
1109 other instructional materials as may be needed. The district
1110 school board shall assure that instructional materials used in
1111 the district are consistent with the district goals and
1112 objectives and the curriculum frameworks adopted by rule of the
1113 State Board of Education, as well as with the state and district
1114 performance standards provided for in s. 1001.03(1).

1115 (c) Other instructional materials.—Provide such other
1116 teaching accessories and aids as are needed for the school
1117 district's educational program.

1118 (d) School library media services; establishment and
1119 maintenance.—Establish and maintain a program of school library
1120 media services for all public schools in the district, including

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1121 school library media centers, or school library media centers
 1122 open to the public, and, in addition such traveling or
 1123 circulating libraries as may be needed for the proper operation
 1124 of the district school system.

1125 Section 18. Section 1006.281, Florida Statutes, is created
 1126 to read:

1127 1006.281 Learning management systems.—

1128 (1) To ensure that all school districts have equitable
 1129 access to digitally rich instructional materials, districts are
 1130 encouraged to provide access to an electronic learning
 1131 management system that allows teachers, students, and parents to
 1132 access, organize, and use electronically available instructional
 1133 materials and teaching and learning tools and resources, and
 1134 that enables teachers to manage, assess, and track student
 1135 learning.

1136 (2) To the extent fiscally and technologically feasible, a
 1137 school district's electronic learning management system should
 1138 allow for a single, authenticated sign-on and include the
 1139 following functionality:

1140 (a) Vertically searches for, gathers, and organizes
 1141 specific standards-based instructional materials.

1142 (b) Enables teachers to prepare lessons, individualize
 1143 student instruction, and use best practices in providing
 1144 instruction.

1145 (c) Provides communication, including access to up-to-date
 1146 student performance data, in order to help teachers and parents
 1147 better serve the needs of students.

1148 (d) Provides access for administrators to ensure quality

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1149 of instruction within every classroom.

1150 (e) Provides access to multiple content providers.

1151 (3) The Department of Education shall provide assistance
 1152 as requested by school districts in their deployment of a
 1153 district electronic learning management system.

1154 Section 19. Subsection (4) of section 1006.29, Florida
 1155 Statutes, is amended to read:

1156 1006.29 State instructional materials committees.—

1157 (4) For purposes of state adoption, "instructional
 1158 materials" means items having intellectual content that by
 1159 design serve as a major tool for assisting in the instruction of
 1160 a subject or course. These items may be available in bound,
 1161 unbound, kit, or package form and may consist of hardbacked or
 1162 softbacked textbooks, electronic content, consumables, learning
 1163 laboratories, manipulatives, electronic media, and computer
 1164 courseware or software. A publisher or manufacturer providing
 1165 instructional materials as a single bundle shall also make the
 1166 instructional materials available as separate and unbundled
 1167 items, each priced individually. Any instructional materials
 1168 adopted after 2012-2013 for students in grades 9 through 12
 1169 shall also be provided in an electronic format. The term does
 1170 not include electronic or computer hardware even if such
 1171 hardware is bundled with software or other electronic media, nor
 1172 does it include equipment or supplies.

1173 Section 20. Paragraph (b) of subsection (1) of section
 1174 1006.33, Florida Statutes, is amended to read:

1175 1006.33 Bids or proposals; advertisement and its
 1176 contents.—

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1177 (1)
 1178 (b) The advertisement shall state that, beginning in 2010-
 1179 2011, each bidder shall furnish electronic specimen copies of
 1180 all instructional materials submitted, at a time designated by
 1181 the department, which specimen copies shall be identical with
 1182 the copies approved and accepted by the members of the state
 1183 instructional materials committee, as prescribed in this
 1184 section, and with the copies furnished to the department and
 1185 district school superintendents, as provided in this part. Any
 1186 district school superintendent who requires samples in addition
 1187 to the electronic format must request those samples through the
 1188 department.

1189 Section 21. Subsection (4) of section 1006.40, Florida
 1190 Statutes, is amended to read:

1191 1006.40 Use of instructional materials allocation;
 1192 instructional materials, library books, and reference books;
 1193 repair of books.—

1194 (4) The funds described in subsection (3) which district
 1195 school boards may use to purchase materials not on the state-
 1196 adopted list shall be used for the purchase of instructional
 1197 materials or other items having intellectual content which
 1198 assist in the instruction of a subject or course. These items
 1199 may be available in bound, unbound, kit, or package form and may
 1200 consist of hardbacked or softbacked textbooks, electronic
 1201 content, replacements for items which were part of previously
 1202 purchased instructional materials, consumables, learning
 1203 laboratories, manipulatives, electronic media, computer
 1204 courseware or software, and other commonly accepted

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1205 instructional tools as prescribed by district school board rule.
 1206 The funds available to district school boards for the purchase
 1207 of materials not on the state-adopted list may not be used to
 1208 purchase electronic or computer hardware even if such hardware
 1209 is bundled with software or other electronic media unless the
 1210 district school board has complied with the requirements in s.
 1211 1011.62(6)(b)5., nor may such funds be used to purchase
 1212 equipment or supplies. However, when authorized to do so in the
 1213 General Appropriations Act, a school or district school board
 1214 may use a portion of the funds available to it for the purchase
 1215 of materials not on the state-adopted list to purchase science
 1216 laboratory materials and supplies.

1217 Section 22. Subsection (1) of section 1007.27, Florida
 1218 Statutes, is amended to read:

1219 1007.27 Articulated acceleration mechanisms.—

1220 (1) It is the intent of the Legislature that a variety of
 1221 articulated acceleration mechanisms be available for secondary
 1222 and postsecondary students attending public educational
 1223 institutions. It is intended that articulated acceleration serve
 1224 to shorten the time necessary for a student to complete the
 1225 requirements associated with the conference of a high school
 1226 diploma and a postsecondary degree, broaden the scope of
 1227 curricular options available to students, or increase the depth
 1228 of study available for a particular subject. Articulated
 1229 acceleration mechanisms shall include, but not be limited to,
 1230 dual enrollment as provided for in s. 1007.271, early admission,
 1231 advanced placement, credit by examination, the International
 1232 Baccalaureate Program, and the Advanced International

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1233 Certificate of Education Program. Credit earned through the
 1234 Florida Virtual School shall provide additional opportunities
 1235 for early graduation and acceleration. Students of Florida
 1236 public secondary schools enrolled pursuant to this subsection
 1237 shall be deemed authorized users of the state-funded electronic
 1238 library resources that are licensed for Florida colleges and
 1239 state universities by the Florida Center for Library Automation
 1240 and the College Center for Library Automation. Verification of
 1241 eligibility shall be in accordance with rules established by the
 1242 State Board of Education and regulations established by the
 1243 Board of Governors and processes implemented by Florida colleges
 1244 and state universities.

1245 Section 23. Section 1010.79, Florida Statutes, is amended
 1246 to read:

1247 1010.79 Sophomore Level Test Trust Fund.—Chapter 99-26,
 1248 Laws of Florida, re-created the Sophomore Level Test Trust Fund
 1249 to record revenue and disbursements of examination fees received
 1250 by the Department of Education as authorized in s. 1008.29.
 1251 Effective July 1, 2010, funds remaining in the Sophomore Level
 1252 Test Trust Fund may be used for any purpose authorized by the
 1253 Legislature.

1254 Section 24. Section 1011.03, Florida Statutes, is amended
 1255 to read:

1256 1011.03 Public hearings; budget to be submitted to
 1257 Department of Education.—

1258 (1) Each district school board must cause a summary of its
 1259 tentative budget, including the proposed millage levies as
 1260 provided for by law, ~~and graphs illustrating a historical~~

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1261 ~~summary of financial and demographic data,~~ to be posted online
 1262 and advertised at least one time as a full-page advertisement in
 1263 a the newspaper of general with the largest circulation
 1264 published in the district or to be posted at the courthouse ~~door~~
 1265 if there be no such newspaper.

1266 (2)(a) ~~The advertisement must include a graph illustrating~~
 1267 ~~the historical summary of financial and demographic data for~~
 1268 ~~each of the following data values which shall be plotted along~~
 1269 ~~the vertical axis of each graph:~~

1270 1. ~~Total revenue provided to the school district from all~~
 1271 ~~sources for the corresponding fiscal year, including all~~
 1272 ~~federal, state, and local revenue.~~

1273 2. ~~Total revenue provided to the school district for the~~
 1274 ~~corresponding fiscal year for current operations.~~

1275 3. ~~Total revenue provided to the school district for the~~
 1276 ~~corresponding fiscal year for fixed capital outlay projects.~~

1277 4. ~~Total revenue provided to the school district for the~~
 1278 ~~corresponding fiscal year for debt service.~~

1279 5. ~~Total number of unweighted full-time equivalent~~
 1280 ~~students, inclusive of all programs listed in s. 1011.62.~~

1281 6. ~~Total revenue provided to the school district for~~
 1282 ~~current operations divided by the number of unweighted full-time~~
 1283 ~~equivalent students for the corresponding fiscal year.~~

1284 7. ~~Total number of employees of the school district for~~
 1285 ~~the corresponding fiscal year.~~

1286 8. ~~Total number of employees of the school district~~
 1287 ~~classified as instructional personnel under s. 1012.01 for the~~
 1288 ~~corresponding fiscal year.~~

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1289 ~~(b) Each graph must include a separate histogram~~
 1290 ~~corresponding to the financial and demographic data for each of~~
 1291 ~~the following fiscal years, which shall be plotted along the~~
 1292 ~~horizontal axis of each graph:~~

- 1293 ~~1. Current fiscal year.~~
- 1294 ~~2. Fiscal year that is 5 years before the current fiscal~~
 1295 ~~year.~~
- 1296 ~~3. Fiscal year that is 10 years before the current fiscal~~
 1297 ~~year.~~

1298 ~~(c) The numeric value of the financial and demographic~~
 1299 ~~data corresponding to each histogram must be included in each~~
 1300 ~~graph.~~

1301 (2)~~(3)~~ The advertisement of a district that has been
 1302 required by the Legislature to increase classroom expenditures
 1303 pursuant to s. 1011.64 must include the following statement:

1304
 1305 "This proposed budget reflects an increase in classroom
 1306 expenditures as a percent of total current operating
 1307 expenditures of XX percent over the (previous fiscal year)
 1308 fiscal year. This increase in classroom expenditures is required
 1309 by the Legislature because the district has performed below the
 1310 required performance standard on XX of XX student performance
 1311 standards for the (previous school year) school year. In order
 1312 to achieve the legislatively required level of classroom
 1313 expenditures as a percentage of total operating expenditures,
 1314 the proposed budget includes an increase in overall classroom
 1315 expenditures of \$XX,XXX,XXX above the amount spent for this same
 1316 purpose during the (previous fiscal year) fiscal year. In order

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1317 to achieve improved student academic performance, this proposed
 1318 increase is being budgeted for the following activities:
 1319 ... (list activities and amount budgeted)...."

1320 (3) ~~(4)~~ The advertisement shall appear adjacent to the
 1321 advertisement required pursuant to s. 200.065. The State Board
 1322 of Education may adopt rules necessary to provide specific
 1323 requirements for the format of the advertisement.

1324 (4) ~~(5)~~ The board shall hold public hearings to adopt
 1325 tentative and final budgets pursuant to s. 200.065. The hearings
 1326 shall be primarily for the purpose of hearing requests and
 1327 complaints from the public regarding the budgets and the
 1328 proposed tax levies and for explaining the budget and proposed
 1329 or adopted amendments thereto, if any. The district school board
 1330 shall then require the superintendent to transmit forthwith two
 1331 copies of the adopted budget to the Department of Education for
 1332 approval as prescribed by law and rules of the State Board of
 1333 Education.

1334 Section 25. Paragraphs (m) and (p) of subsection (1),
 1335 paragraphs (a) and (b) of subsection (4), paragraph (b) of
 1336 subsection (6), paragraph (d) of subsection (7), and paragraph
 1337 (a) of subsection (12) of section 1011.62, Florida Statutes, are
 1338 amended, and subsection (13) is added to that section, to read:

1339 1011.62 Funds for operation of schools.—If the annual
 1340 allocation from the Florida Education Finance Program to each
 1341 district for operation of schools is not determined in the
 1342 annual appropriations act or the substantive bill implementing
 1343 the annual appropriations act, it shall be determined as
 1344 follows:

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1345 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1346 OPERATION.—The following procedure shall be followed in
 1347 determining the annual allocation to each district for
 1348 operation:
 1349 (m) Calculation of additional full-time equivalent
 1350 membership based on International Baccalaureate examination
 1351 scores of students.—A value of 0.16 full-time equivalent student
 1352 membership shall be calculated for each student enrolled in an
 1353 International Baccalaureate course who receives a score of 4 or
 1354 higher on a subject examination. A value of 0.3 full-time
 1355 equivalent student membership shall be calculated for each
 1356 student who receives an International Baccalaureate diploma.
 1357 Such value shall be added to the total full-time equivalent
 1358 student membership in basic programs for grades 9 through 12 in
 1359 the subsequent fiscal year. Each school district shall allocate
 1360 80 percent of the funds received from International
 1361 Baccalaureate bonus FTE funding to the school program whose
 1362 students generate the funds and to school programs that prepare
 1363 prospective students to enroll in International Baccalaureate
 1364 courses. Funds shall be expended solely for the payment of
 1365 allowable costs associated with the International Baccalaureate
 1366 program. Allowable costs include International Baccalaureate
 1367 annual school fees; International Baccalaureate examination
 1368 fees; salary, benefits, and bonuses for teachers and program
 1369 coordinators for the International Baccalaureate program and
 1370 teachers and coordinators who prepare prospective students for
 1371 the International Baccalaureate program; supplemental books;
 1372 instructional supplies; instructional equipment or instructional

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1373 materials for International Baccalaureate courses; other
 1374 activities that identify prospective International Baccalaureate
 1375 students or prepare prospective students to enroll in
 1376 International Baccalaureate courses; and training or
 1377 professional development for International Baccalaureate
 1378 teachers. School districts shall allocate the remaining 20
 1379 percent of the funds received from International Baccalaureate
 1380 bonus FTE funding for programs that assist academically
 1381 disadvantaged students to prepare for more rigorous courses. The
 1382 school district shall distribute to each classroom teacher who
 1383 provided International Baccalaureate instruction:

1384 1. A bonus in the amount of \$50 for each student taught by
 1385 the International Baccalaureate teacher in each International
 1386 Baccalaureate course who receives a score of 4 or higher on the
 1387 International Baccalaureate examination.

1388 2. An additional bonus of \$500 to each International
 1389 Baccalaureate teacher in a school designated with a grade of "D"
 1390 or "F" who has at least one student scoring 4 or higher on the
 1391 International Baccalaureate examination, regardless of the
 1392 number of classes taught or of the number of students scoring a
 1393 4 or higher on the International Baccalaureate examination.

1394
 1395 Bonuses awarded to a teacher according to this paragraph shall
 1396 not exceed \$2,000 in any given school year and shall be in
 1397 addition to any regular wage or other bonus the teacher received
 1398 or is scheduled to receive.

1399 (p) Calculation of additional full-time equivalent
 1400 membership based on certification of successful completion of

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1401 industry-certified career and professional academy programs
1402 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
1403 in the Industry Certified Funding List pursuant to rules adopted
1404 by the State Board of Education.—A value of 0.3 full-time
1405 equivalent student membership shall be calculated for each
1406 student who completes an industry-certified career and
1407 professional academy program under ss. 1003.491, 1003.492, and
1408 1003.493 and who is issued the highest level of industry
1409 certification identified annually in the Industry Certification
1410 Funding List approved under rules adopted by the State Board of
1411 Education and a high school diploma. Such value shall be added
1412 to the total full-time equivalent student membership in
1413 secondary career education programs for grades 9 through 12 in
1414 the subsequent year for courses that were not funded through
1415 dual enrollment. The additional full-time equivalent membership
1416 authorized under this paragraph may not exceed 0.3 per student.
1417 Each district must allocate at least 80 percent of the funds
1418 provided for industry certification, in accordance with this
1419 paragraph, to the program that generated the funds. Unless a
1420 different amount is specified in the General Appropriations Act,
1421 the appropriation for this calculation is limited to \$15 million
1422 annually. If the appropriation is insufficient to fully fund the
1423 total calculation, the appropriation shall be prorated.

1424 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1425 Legislature shall prescribe the aggregate required local effort
1426 for all school districts collectively as an item in the General
1427 Appropriations Act for each fiscal year. The amount that each
1428 district shall provide annually toward the cost of the Florida

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1429 Education Finance Program for kindergarten through grade 12
 1430 programs shall be calculated as follows:

1431 (a) Estimated taxable value calculations.-

1432 1.a. Not later than 2 working days prior to July 19, the
 1433 Department of Revenue shall certify to the Commissioner of
 1434 Education its most recent estimate of the taxable value for
 1435 school purposes in each school district and the total for all
 1436 school districts in the state for the current calendar year
 1437 based on the latest available data obtained from the local
 1438 property appraisers. The value certified shall be the taxable
 1439 value for school purposes for that year, and no further
 1440 adjustments shall be made, except those made pursuant to
 1441 paragraphs (c) and (d), or an assessment roll change required by
 1442 final judicial decisions as specified in paragraph (12)(b). Not
 1443 later than July 19, the Commissioner of Education shall compute
 1444 a millage rate, rounded to the next highest one one-thousandth
 1445 of a mill, which, when applied to 96 ~~95~~ percent of the estimated
 1446 state total taxable value for school purposes, would generate
 1447 the prescribed aggregate required local effort for that year for
 1448 all districts. The Commissioner of Education shall certify to
 1449 each district school board the millage rate, computed as
 1450 prescribed in this subparagraph, as the minimum millage rate
 1451 necessary to provide the district required local effort for that
 1452 year.

1453 b. The General Appropriations Act shall direct the
 1454 computation of the statewide adjusted aggregate amount for
 1455 required local effort for all school districts collectively from
 1456 ad valorem taxes to ensure that no school district's revenue

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1457 from required local effort millage will produce more than 90
 1458 percent of the district's total Florida Education Finance
 1459 Program calculation as calculated and adopted by the
 1460 Legislature, and the adjustment of the required local effort
 1461 millage rate of each district that produces more than 90 percent
 1462 of its total Florida Education Finance Program entitlement to a
 1463 level that will produce only 90 percent of its total Florida
 1464 Education Finance Program entitlement in the July calculation.

1465 2. On the same date as the certification in sub-
 1466 subparagraph 1.a., the Department of Revenue shall certify to
 1467 the Commissioner of Education for each district:

1468 a. Each year for which the property appraiser has
 1469 certified the taxable value pursuant to s. 193.122(2) or (3), if
 1470 applicable, since the prior certification under sub-subparagraph
 1471 1.a.

1472 b. For each year identified in sub-subparagraph a., the
 1473 taxable value certified by the appraiser pursuant to s.
 1474 193.122(2) or (3), if applicable, since the prior certification
 1475 under sub-subparagraph 1.a. This is the certification that
 1476 reflects all final administrative actions of the value
 1477 adjustment board.

1478 (b) Equalization of required local effort.—

1479 1. The Department of Revenue shall include with its
 1480 certifications provided pursuant to paragraph (a) its most
 1481 recent determination of the assessment level of the prior year's
 1482 assessment roll for each county and for the state as a whole.

1483 2. The Commissioner of Education shall adjust the required
 1484 local effort millage of each district for the current year,

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1485 computed pursuant to paragraph (a), as follows:

1486 a. The equalization factor for the prior year's assessment

1487 roll of each district shall be multiplied by 96 ~~95~~ percent of

1488 the taxable value for school purposes shown on that roll and by

1489 the prior year's required local-effort millage, exclusive of any

1490 equalization adjustment made pursuant to this paragraph. The

1491 dollar amount so computed shall be the additional required local

1492 effort for equalization for the current year.

1493 b. Such equalization factor shall be computed as the

1494 quotient of the prior year's assessment level of the state as a

1495 whole divided by the prior year's assessment level of the

1496 county, from which quotient shall be subtracted 1.

1497 c. The dollar amount of additional required local effort

1498 for equalization for each district shall be converted to a

1499 millage rate, based on 96 ~~95~~ percent of the current year's

1500 taxable value for that district, and added to the required local

1501 effort millage determined pursuant to paragraph (a).

1502 3. Notwithstanding the limitations imposed pursuant to s.

1503 1011.71(1), the total required local-effort millage, including

1504 additional required local effort for equalization, shall be an

1505 amount not to exceed 10 minus the maximum millage allowed as

1506 nonvoted discretionary millage, exclusive of millage authorized

1507 pursuant to s. 1011.71(2). Nothing herein shall be construed to

1508 allow a millage in excess of that authorized in s. 9, Art. VII

1509 of the State Constitution.

1510 4. For the purposes of this chapter, the term "assessment

1511 level" means the value-weighted mean assessment ratio for the

1512 county or state as a whole, as determined pursuant to s.

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1513 195.096, or as subsequently adjusted. However, for those parcels
1514 studied pursuant to s. 195.096(3)(a)1. which are receiving the
1515 assessment limitation set forth in s. 193.155, and for which the
1516 assessed value is less than the just value, the department shall
1517 use the assessed value in the numerator and the denominator of
1518 such assessment ratio. In the event a court has adjudicated that
1519 the department failed to establish an accurate estimate of an
1520 assessment level of a county and recomputation resulting in an
1521 accurate estimate based upon the evidence before the court was
1522 not possible, that county shall be presumed to have an
1523 assessment level equal to that of the state as a whole.

1524 5. If, in the prior year, taxes were levied against an
1525 interim assessment roll pursuant to s. 193.1145, the assessment
1526 level and prior year's nonexempt assessed valuation used for the
1527 purposes of this paragraph shall be those of the interim
1528 assessment roll.

1529 (6) CATEGORICAL FUNDS.—

1530 (b) If a district school board finds and declares in a
1531 resolution adopted at a regular meeting of the school board that
1532 the funds received for any of the following categorical
1533 appropriations are urgently needed to maintain school board
1534 specified academic classroom instruction, the school board may
1535 consider and approve an amendment to the school district
1536 operating budget transferring the identified amount of the
1537 categorical funds to the appropriate account for expenditure:

- 1538 1. Funds for student transportation.
- 1539 2. Funds for safe schools.
- 1540 3. Funds for supplemental academic instruction.

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- 1541 4. Funds for research-based reading instruction.
- 1542 5. Funds for instructional materials if all instructional
- 1543 material purchases necessary to provide updated materials
- 1544 aligned to Next Generation Sunshine State Standards and
- 1545 benchmarks and that meet statutory requirements of content and
- 1546 learning have been completed for that fiscal year, but no sooner
- 1547 than March 1, 2011 ~~2010~~. Funds available after March 1 may be
- 1548 used to purchase hardware for student instruction.
- 1549 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—
- 1550 (d) Each district's allocation of sparsity supplement
- 1551 funds shall be adjusted in the following manner:
- 1552 1. A maximum discretionary levy per FTE value for each
- 1553 district shall be calculated by dividing the value of each
- 1554 district's maximum discretionary levy by its FTE student count.
- 1555 2. A state average discretionary levy value per FTE shall
- 1556 be calculated by dividing the total maximum discretionary levy
- 1557 value for all districts by the state total FTE student count.
- 1558 3. A total potential funds per FTE for each district shall
- 1559 be calculated by dividing the total potential funds, not
- 1560 including Florida School Recognition Program funds, Merit Award
- 1561 Program funds, and the minimum guarantee funds, for each
- 1562 district by its FTE student count.
- 1563 4. A state average total potential funds per FTE shall be
- 1564 calculated by dividing the total potential funds, not including
- 1565 Florida School Recognition Program funds, Merit Award Program
- 1566 funds, and the minimum guarantee funds, for all districts by the
- 1567 state total FTE student count.
- 1568 5. For districts that have a levy value per FTE as

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1569 | calculated in subparagraph 1. higher than the state average
 1570 | calculated in subparagraph 2., a sparsity wealth adjustment
 1571 | shall be calculated as the product of the difference between the
 1572 | state average levy value per FTE calculated in subparagraph 2.
 1573 | and the district's levy value per FTE calculated in subparagraph
 1574 | 1. and the district's FTE student count and -1. However, no
 1575 | district shall have a sparsity wealth adjustment that, when
 1576 | applied to the total potential funds calculated in subparagraph
 1577 | 3., would cause the district's total potential funds per FTE to
 1578 | be less than the state average calculated in subparagraph 4.

1579 | 6. Each district's sparsity supplement allocation shall be
 1580 | calculated by adding the amount calculated as specified in
 1581 | paragraphs (a) and (b) and the wealth adjustment amount
 1582 | calculated in this paragraph.

1583 | (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 1584 | CURRENT OPERATION.—The total annual state allocation to each
 1585 | district for current operation for the FEFP shall be distributed
 1586 | periodically in the manner prescribed in the General
 1587 | Appropriations Act.

1588 | (a) If the funds appropriated for current operation of the
 1589 | FEFP are not sufficient to pay the state requirement in full,
 1590 | the department shall prorate the available state funds to each
 1591 | district in the following manner:

1592 | 1. Determine the percentage of proration by dividing the
 1593 | sum of the total amount for current operation, as provided in
 1594 | this paragraph for all districts collectively, and the total
 1595 | district required local effort into the sum of the state funds
 1596 | available for current operation and the total district required

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1597 local effort.

1598 2. Multiply the percentage so determined by the sum of the
 1599 total amount for current operation as provided in this paragraph
 1600 and the required local effort for each individual district.

1601 3. From the product of such multiplication, subtract the
 1602 required local effort of each district; and the remainder shall
 1603 be the amount of state funds allocated to the district for
 1604 current operation. However, no calculation subsequent to the
 1605 appropriation shall result in negative state funds for any
 1606 district.

1607 (13) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL
 1608 EFFORT.—Calculations required in this section shall be based on
 1609 95 percent of the taxable value for school purposes for fiscal
 1610 years prior to the 2010-2011 fiscal year.

1611 Section 26. Paragraph (a) of subsection (4) of section
 1612 1011.64, Florida Statutes, is amended to read:

1613 1011.64 School district minimum classroom expenditure
 1614 requirements.—

1615 (4) In order for the Department of Education to monitor
 1616 the implementation of this section, each school district which
 1617 is required to increase emphasis on classroom activities from
 1618 operating funds pursuant to subsection (1) shall submit to the
 1619 department the following two reports in a format determined by
 1620 the department:

1621 (a) An initial report, which shall include the proposed
 1622 budget actions identified for increased classroom expenditures,
 1623 a description of how such actions are designed to improve
 1624 student achievement, and a copy of the published statement

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1625 required by s. 1011.03 (2) ~~(3)~~. This report shall be submitted
 1626 within 30 days after final budget approval as provided in s.
 1627 200.065.

1628 Section 27. Section 1011.66, Florida Statutes, is amended
 1629 to read:

1630 1011.66 Distribution of FEFP funds.—The distribution of
 1631 FEFP funds shall be made in payments on or about the 10th and
 1632 26th of each month. ~~Upon the request of any school district~~
 1633 ~~whose net state FEFP funding is less than 60 percent of its~~
 1634 ~~gross state and local FEFP funding, the Department of Education~~
 1635 ~~shall distribute to that school district in the first quarter of~~
 1636 ~~the fiscal year an amount from the funds appropriated for the~~
 1637 ~~FEFP in the General Appropriations Act up to a maximum of 15~~
 1638 ~~percent of that school district's gross state and local FEFP~~
 1639 ~~funding or that school district's net state FEFP funding,~~
 1640 ~~whichever is less.~~

1641 Section 28. Subsection (1) of section 1011.67, Florida
 1642 Statutes, is amended to read:

1643 1011.67 Funds for instructional materials.—

1644 (1) The department is authorized to allocate and
 1645 distribute to each district an amount as prescribed annually by
 1646 the Legislature for instructional materials for student
 1647 membership in basic and special programs in grades K-12, which
 1648 will provide for growth and maintenance needs. For purposes of
 1649 this subsection, unweighted full-time equivalent students
 1650 enrolled in the lab schools in state universities are to be
 1651 included as school district students and reported as such to the
 1652 department. ~~These funds shall be distributed to school districts~~

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1653 ~~as follows: 50 percent on or about July 10; 35 percent on or~~
 1654 ~~about October 10; 10 percent on or about January 10; and 5~~
 1655 ~~percent on or about June 10.~~ The annual allocation shall be
 1656 determined as follows:

1657 (a) The growth allocation for each school district shall
 1658 be calculated as follows:

1659 1. Subtract from that district's projected full-time
 1660 equivalent membership of students in basic and special programs
 1661 in grades K-12 used in determining the initial allocation of the
 1662 Florida Education Finance Program, the prior year's full-time
 1663 equivalent membership of students in basic and special programs
 1664 in grades K-12 for that district.

1665 2. Multiply any such increase in full-time equivalent
 1666 student membership by the allocation for a set of instructional
 1667 materials, as determined by the department, or as provided for
 1668 in the General Appropriations Act.

1669 3. The amount thus determined shall be that district's
 1670 initial allocation for growth for the school year. However, the
 1671 department shall recompute and adjust the initial allocation
 1672 based on actual full-time equivalent student membership data for
 1673 that year.

1674 (b) The maintenance of the instructional materials
 1675 allocation for each school district shall be calculated by
 1676 multiplying each district's prior year full-time equivalent
 1677 membership of students in basic and special programs in grades
 1678 K-12 by the allocation for maintenance of a set of instructional
 1679 materials as provided for in the General Appropriations Act. The
 1680 amount thus determined shall be that district's initial

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1681 allocation for maintenance for the school year; however, the
 1682 department shall recompute and adjust the initial allocation
 1683 based on such actual full-time equivalent student membership
 1684 data for that year.

1685 (c) In the event the funds appropriated are not sufficient
 1686 for the purpose of implementing this subsection in full, the
 1687 department shall prorate the funds available for instructional
 1688 materials after first funding in full each district's growth
 1689 allocation.

1690 Section 29. Subsection (2) of section 1011.68, Florida
 1691 Statutes, is amended to read:

1692 1011.68 Funds for student transportation.—The annual
 1693 allocation to each district for transportation to public school
 1694 programs, including charter schools as provided in s.
 1695 1002.33(17)(b), of students in membership in kindergarten
 1696 through grade 12 and in migrant and exceptional student programs
 1697 below kindergarten shall be determined as follows:

1698 (2) The allocation for each district shall be calculated
 1699 annually in accordance with the following formula:

1700 $T = B + EX$. The elements of this formula are defined as
 1701 follows: T is the total dollar allocation for transportation. B
 1702 is the base transportation dollar allocation prorated by an
 1703 adjusted student membership count. The adjusted membership count
 1704 shall be derived from a multiplicative index function in which
 1705 the base student membership is adjusted by multiplying it by
 1706 index numbers that individually account for the impact of the
 1707 price level index, average bus occupancy, and the extent of
 1708 rural population in the district. EX is the base transportation

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1709 dollar allocation for disabled students prorated by an adjusted
 1710 disabled student membership count. The base transportation
 1711 dollar allocation for disabled students is the total state base
 1712 disabled student membership count weighted for increased costs
 1713 associated with transporting disabled students and multiplying
 1714 it by an ~~the prior year's~~ average per student cost for
 1715 transportation as determined by the Legislature. The adjusted
 1716 disabled student membership count shall be derived from a
 1717 multiplicative index function in which the weighted base
 1718 disabled student membership is adjusted by multiplying it by
 1719 index numbers that individually account for the impact of the
 1720 price level index, average bus occupancy, and the extent of
 1721 rural population in the district. Each adjustment factor shall
 1722 be designed to affect the base allocation by no more or less
 1723 than 10 percent.

1724 Section 30. Paragraph (d) of subsection (2) and paragraph
 1725 (b) of subsection (3) of section 1011.71, Florida Statutes, are
 1726 amended to read:

1727 1011.71 District school tax.—

1728 (2) In addition to the maximum millage levy as provided in
 1729 subsection (1), each school board may levy not more than 1.5
 1730 mills against the taxable value for school purposes for district
 1731 schools, including charter schools at the discretion of the
 1732 school board, to fund:

1733 (d) ~~Effective July 1, 2008,~~ The purchase, lease-purchase,
 1734 or lease of new and replacement equipment; computer hardware,
 1735 including electronic hardware and other hardware devices
 1736 necessary for gaining access to or enhancing the use of

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1737 electronic content and resources or to facilitate the access to
1738 and the use of a school district's electronic learning
1739 management system pursuant to s. 1006.281, excluding software
1740 other than the operating system necessary to operate the
1741 hardware or device; and enterprise resource software
1742 applications that are classified as capital assets in accordance
1743 with definitions of the Governmental Accounting Standards Board,
1744 have a useful life of at least 5 years, and are used to support
1745 districtwide administration or state-mandated reporting
1746 requirements.

1747 (3)

1748 (b) In addition to the millage authorized in this section,
1749 each district school board may, by a super majority vote, levy
1750 an additional 0.25 mills for critical capital outlay needs or
1751 for critical operating needs. If levied for capital outlay,
1752 expenditures shall be subject to the requirements of this
1753 section. If levied for operations, expenditures shall be
1754 consistent with the requirements for operating funds received
1755 pursuant to s. 1011.62. If the district levies this additional
1756 0.25 mills for operations, the compression adjustment pursuant
1757 to s. 1011.62(5) shall be calculated and added to the district's
1758 FEFP allocation. Millage levied pursuant to this paragraph is
1759 subject to the provisions of s. 200.065. In order to be
1760 continued after the 2010-2011 fiscal year, millage levied
1761 pursuant to this paragraph must be approved by the voters of the
1762 district at the 2010 next general election or at a subsequent
1763 election held at any time, except that not more than one such
1764 election shall be held during any 12-month period. Any millage

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1765 so authorized shall be levied for a period not in excess of 2
 1766 years or until changed by another millage election, whichever is
 1767 earlier. If any such election is invalidated by a court of
 1768 competent jurisdiction, such invalidated election shall be
 1769 considered not to have been held.

1770 Section 31. Subsection (2) of section 1011.73, Florida
 1771 Statutes, is amended to read:

1772 1011.73 District millage elections.—

1773 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district
 1774 school board, pursuant to resolution adopted at a regular
 1775 meeting, shall direct the county commissioners to call an
 1776 election at which the electors within the school district may
 1777 approve an ad valorem tax millage as authorized under s.

1778 1011.71 (9) ~~(8)~~. Such election may be held at any time, except
 1779 that not more than one such election shall be held during any
 1780 12-month period. Any millage so authorized shall be levied for a
 1781 period not in excess of 4 years or until changed by another
 1782 millage election, whichever is earlier. If any such election is
 1783 invalidated by a court of competent jurisdiction, such
 1784 invalidated election shall be considered not to have been held.

1785 Section 32. Paragraph (g) of subsection (3) of section
 1786 1012.33, Florida Statutes, is amended to read:

1787 1012.33 Contracts with instructional staff, supervisors,
 1788 and school principals.—

1789 (3)

1790 (g) Beginning July 1, 2001, for each employee who enters
 1791 into a written contract, pursuant to this section, in a school
 1792 district in which the employee was not employed as of June 30,

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1793 | 2001, or was employed as of June 30, 2001, but has since broken
 1794 | employment with that district for 1 school year or more, for
 1795 | purposes of pay, a district school board must recognize and
 1796 | accept each year of full-time public school teaching service
 1797 | earned in the State of Florida for which the employee received a
 1798 | satisfactory performance evaluation; however, an employee may
 1799 | voluntarily waive this provision. Instructional personnel
 1800 | employed pursuant to s. 121.091(9) (b) and (c) are exempt from
 1801 | the provisions of this paragraph.

1802 | Section 33. Paragraph (a) of subsection (7) of section
 1803 | 1012.467, Florida Statutes, is amended to read:

1804 | 1012.467 Noninstructional contractors who are permitted
 1805 | access to school grounds when students are present; background
 1806 | screening requirements.—

1807 | (7) (a) The Department of Law Enforcement shall implement a
 1808 | system that allows for the results of a criminal history check
 1809 | provided to a school district to be shared with other school
 1810 | districts through a secure Internet website or other secure
 1811 | electronic means. The Department of Law Enforcement may adopt
 1812 | rules under ss. 120.536(1) and 120.54 to implement this
 1813 | paragraph. School districts must accept reciprocity of level 2
 1814 | screenings for Florida High School Athletic Association
 1815 | officials.

1816 | Section 34. Subsection (1) of section 1012.55, Florida
 1817 | Statutes, is amended to read:

1818 | 1012.55 Positions for which certificates required.—

1819 | (1) The State Board of Education shall classify school
 1820 | services, designate the certification subject areas, establish

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1821 competencies, including the use of technology to enhance student
 1822 learning, and certification requirements for all school-based
 1823 personnel, and adopt rules in accordance with which the
 1824 professional, temporary, and part-time certificates shall be
 1825 issued by the Department of Education to applicants who meet the
 1826 standards prescribed by such rules for their class of service.
 1827 Each person employed or occupying a position as school
 1828 supervisor, school principal, teacher, library media specialist,
 1829 school counselor, athletic coach, or other position in which the
 1830 employee serves in an instructional capacity, in any public
 1831 school of any district of this state shall hold the certificate
 1832 required by law and by rules of the State Board of Education in
 1833 fulfilling the requirements of the law for the type of service
 1834 rendered. Such positions include personnel providing direct
 1835 instruction to students through a virtual environment or through
 1836 a blended virtual and physical environment. The Department of
 1837 Education shall identify appropriate educator certification for
 1838 the instruction of specified courses in an annual publication of
 1839 a directory of course code numbers for all programs and courses
 1840 that are funded through the Florida Education Finance Program.
 1841 However, the state board shall adopt rules authorizing district
 1842 school boards to employ selected noncertificated personnel to
 1843 provide instructional services in the individuals' fields of
 1844 specialty or to assist instructional staff members as education
 1845 paraprofessionals.

1846 Section 35. Paragraph (a) of subsection (1) of section
 1847 1013.62, Florida Statutes, is amended to read:

1848 1013.62 Charter schools capital outlay funding.—

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1849 (1) In each year in which funds are appropriated for
 1850 charter school capital outlay purposes, the Commissioner of
 1851 Education shall allocate the funds among eligible charter
 1852 schools.

1853 (a) To be eligible for a funding allocation, a charter
 1854 school must:

1855 1.a. Have been in operation for 3 or more years;

1856 b. Be governed by a governing board established in the
 1857 state for 3 or more years which operates both charter schools
 1858 and conversion charter schools within the state;

1859 c. Be an expanded feeder chain of a charter school within
 1860 the same school district that is currently receiving charter
 1861 school capital outlay funds; ~~or~~

1862 d. Have been accredited by the Commission on Schools of
 1863 the Southern Association of Colleges and Schools; or

1864 e. Serve students in facilities that are provided by a
 1865 business partner for a charter school-in-the-workplace pursuant
 1866 to s. 1002.33(15) (b).

1867 2. Have financial stability for future operation as a
 1868 charter school.

1869 3. Have satisfactory student achievement based on state
 1870 accountability standards applicable to the charter school.

1871 4. Have received final approval from its sponsor pursuant
 1872 to s. 1002.33 for operation during that fiscal year.

1873 5. Serve students in facilities that are not provided by
 1874 the charter school's sponsor.

1875 Section 36. Special Facility Construction Account study.-
 1876 The Office of Program Policy Analysis and Government

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1877 Accountability (OPPAGA) shall conduct a study of the Special
 1878 Facility Construction Account program to examine the
 1879 effectiveness of s. 1013.64(2), Florida Statutes, and shall
 1880 provide recommendations. The study shall examine the criteria to
 1881 determine program eligibility; the criteria to determine project
 1882 eligibility; the procedures used to evaluate potential projects;
 1883 the procedures for determining the priority list; and whether,
 1884 historically, the funded projects were needed by the districts
 1885 based on student enrollment data, age, and usefulness of
 1886 district facilities at the time of the request, on the
 1887 district's educational plant survey, or on other relevant
 1888 information. OPPAGA should also make recommendations for
 1889 improving the process of providing appropriations for projects
 1890 under the Special Facility Construction Account. OPPAGA shall
 1891 submit the results of the study to the President of the Senate,
 1892 the Speaker of the House of Representatives, and the Executive
 1893 Office of the Governor no later than January 31, 2011.

1894 Section 37. The Commissioner of Education is authorized to
 1895 administer a one-time student transportation survey for the
 1896 Jefferson County School District to serve as a substitute for
 1897 the statewide, scheduled October and February surveys which were
 1898 omitted by the district. The survey process shall be conducted
 1899 according to standard survey procedures, and the result shall be
 1900 incorporated into the 2009-2010 student transportation final
 1901 calculation. Notwithstanding the requirements of s. 1011.68(5),
 1902 Florida Statutes, from the funds generated from the
 1903 transportation survey, the school district shall use \$50,000 to
 1904 contract for consulting services to assist in the management of

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1905 school district operations for 2010-2011. The consultant or
1906 consulting group shall be approved by the Commissioner of
1907 Education.

1908 Section 38. There is appropriated \$21,244,177 in
1909 nonrecurring funds from the General Revenue Fund for the 2010-
1910 2011 fiscal year to award bonuses to effective teachers through
1911 the Dale Hickam Excellent Teaching Program pursuant to s.
1912 1012.72, Florida Statutes.

1913 Section 39. Except as otherwise expressly provided in this
1914 act, this act shall take effect July 1, 2010.