

By the Committee on Budget

576-03505-11

20112120__

1 A bill to be entitled
2 An act relating to K-12 education funding; amending s.
3 213.053, F.S.; authorizing the Department of Revenue
4 to provide certain information regarding the gross
5 receipts tax to the State Board of Education, the
6 Division of Bond Finance, and the Office of Economic
7 and Demographic Research; amending s. 215.61, F.S.;
8 requiring that, for purposes of servicing public
9 education capital outlay bonds, the State Board of
10 Education disregard the effects on the gross receipts
11 tax revenues collected during a tax period of a refund
12 resulting from a specified settlement agreement;
13 amending s. 1001.25, F.S.; requiring that the
14 Department of Education provide a means of extending
15 educational services through educational television or
16 other electronic media; amending s. 1001.271, F.S.;
17 requiring that the Commissioner of Education
18 facilitate and coordinate the use of the Florida
19 Information Resource Network by school districts,
20 educational institutions in the Florida College
21 System, state universities, and other eligible users;
22 amending s. 1001.28, F.S.; deleting a reference to the
23 Florida Knowledge Network as it relates to the
24 department's distance learning duties; amending s.
25 1001.451, F.S.; revising provisions relating to
26 incentive grants for regional consortium service
27 organizations; authorizing regional consortium service
28 organizations to use various means to generate revenue
29 for future activities; amending s. 1002.33, F.S.;

576-03505-11

20112120__

30 revising provisions relating to charter schools;
31 providing for an additional student population to be
32 included for enrollment in a charter school; providing
33 that a charter school system may be designated as a
34 local educational agency for funding purposes if
35 certain requirements are met; amending s. 1002.34,
36 F.S.; conforming a cross-reference; amending s.
37 1003.01, F.S.; redefining the terms "core-curricula
38 courses" and "extracurricular courses"; amending s.
39 1003.03, F.S.; deleting a reference to the State
40 Constitution regarding class size maximums; requiring
41 that class size maximums be satisfied on or before the
42 October student membership survey each year; requiring
43 that the class size maximums be maintained after the
44 October student membership survey unless certain
45 conditions occur; providing that a student who enrolls
46 in a school after the October student membership
47 survey may be assigned to classes that temporarily
48 exceed class size maximums if the school board
49 determines that not assigning the student would be
50 impractical, educationally unsound, or disruptive to
51 student learning; providing for a specified number of
52 students to be assigned above the maximum if the
53 district school board makes this determination;
54 requiring that the district school board develop a
55 plan providing that the school will be in full
56 compliance with the maximum class size requirements by
57 the next October student membership survey; amending
58 s. 1004.02, F.S.; revising the definition of the term

576-03505-11

20112120__

59 "adult student"; creating s. 1006.282, F.S.;

60 authorizing each district school board to designate

61 schools to implement a pilot program for the

62 transition to instructional materials in an electronic

63 or digital format; providing definitions; providing

64 requirements for the designation of pilot schools;

65 providing exemptions for such schools; requiring that

66 the district school board report to the department by

67 a specified date each year; requiring that the report

68 include certain information; requiring that each

69 district school board submit a review of the pilot

70 program to the department, the Executive Office of the

71 Governor, and the chairs of the legislative

72 appropriations committees by a specified date each

73 year; amending s. 1011.62, F.S.; revising provisions

74 relating to district funding for the operation of

75 schools; deleting provisions relating to the

76 coenrollment of high school students; providing the

77 maximum full-time equivalent membership value for

78 students completing an industry-certified career and

79 professional academy program; requiring that the

80 Department of Education assign the appropriate full-

81 time equivalent value for each certification based on

82 rigor and employment value; requiring that the State

83 Board of Education include the assigned values in the

84 Industry Certification Funding List under rules

85 adopted by the state board; creating s. 1011.621,

86 F.S.; requiring that the Department of Education, upon

87 request by a school district and verification by the

576-03505-11

20112120__

88 Department of Juvenile Justice, direct a school
89 district receiving funds through the Florida Education
90 Finance Program to transfer a pro rata share of the
91 funds to another district that served the same
92 students during the same survey period but were unable
93 to report the students for funding purposes; requiring
94 that the amount of the transfer be based on the
95 percentage of the survey period in which the students
96 were served by each district; amending s. 1011.685,
97 F.S.; revising provisions relating to class size
98 reduction operational categorical funds; authorizing a
99 school district that meets the maximum class size
100 requirement to use the funds for any lawful operating
101 expenditure; amending s. 1011.71, F.S.; revising
102 provisions relating to the district school tax;
103 providing for future expiration of provisions relating
104 to additional millage levied by district school
105 boards; authorizing district school boards to levy
106 additional millage if approved by the voters;
107 providing that the local funds generated by the
108 additional millage not be included in the calculation
109 of funding through the Florida Education Finance
110 Program; amending s. 1012.225, F.S.; discontinuing
111 state funding for the Merit Award Program for
112 Instructional Personnel and School-Based
113 Administrators; amending s. 1013.737, F.S.; changing
114 the name of the Class Size Reduction Lottery Revenue
115 Bond Program to the Class Size Reduction and
116 Educational Facilities Lottery Revenue Bond Program;

576-03505-11

20112120__

117 authorizing the issuance of educational facilities
118 bonds; adopting by reference the alternate compliance
119 calculation amounts to the class size operating
120 categorical, as submitted by the Governor on behalf of
121 the Department of Education for approval by the
122 Legislative Budget Commission; requiring that the
123 Commissioner of Education modify payments to school
124 districts for the 2010-2011 fiscal year consistent
125 with the amendment; providing effective dates.
126

127 Be It Enacted by the Legislature of the State of Florida:
128

129 Section 1. Paragraph (dd) is added to subsection (8) of
130 section 213.053, Florida Statutes, as amended by chapter 2010-
131 280, Laws of Florida, to read:

132 213.053 Confidentiality and information sharing.—

133 (8) Notwithstanding any other provision of this section,
134 the department may provide:

135 (dd) Information relative to s. 215.61(6) to the State
136 Board of Education, the Division of Bond Finance, and the Office
137 of Economic and Demographic Research.
138

139 Disclosure of information under this subsection shall be
140 pursuant to a written agreement between the executive director
141 and the agency. Such agencies, governmental or nongovernmental,
142 shall be bound by the same requirements of confidentiality as
143 the Department of Revenue. Breach of confidentiality is a
144 misdemeanor of the first degree, punishable as provided by s.
145 775.082 or s. 775.083.

576-03505-11

20112120__

146 Section 2. Subsection (6) is added to section 215.61,
147 Florida Statutes, to read:

148 215.61 State system of public education capital outlay
149 bonds.—

150 (6) In making the determination as required by subsection
151 (3) of the amount that can be serviced by the gross receipts
152 tax, the State Board of Education shall disregard the effects on
153 the reported gross receipts tax revenues collected during a tax
154 period of any refund paid by the Department of Revenue as a
155 direct result of a refund request made pursuant to the
156 settlement reached in *In re: AT&T Mobility Wireless Data*
157 *Services Sales Litigation*, 270 F.R.D. 330, (Aug. 11, 2010). The
158 Department of Revenue shall provide to the State Board of
159 Education, the Division of Bond Finance, and the Office of
160 Economic and Demographic Research the amount of any such refund
161 and the tax period in which the refund is included.

162 Section 3. Paragraph (b) of subsection (2) of section
163 1001.25, Florida Statutes, is amended to read:

164 1001.25 Educational television.—

165 (2) POWERS OF DEPARTMENT.—

166 (b) The department shall provide through educational
167 television or ~~and~~ other electronic media a means of extending
168 educational services to all the state system of public
169 education, except the state universities, which provision by the
170 department is limited by paragraph (c) and by s. 1001.26(1). The
171 department shall recommend to the State Board of Education rules
172 necessary to provide such services.

173 Section 4. Section 1001.271, Florida Statutes, is amended
174 to read:

576-03505-11

20112120__

175 1001.271 Florida Information Resource Network.—The
176 Commissioner of Education shall facilitate and coordinate the
177 use of the Florida Information Resource Network by school
178 districts, educational institutions in the Florida College
179 System, universities, and other eligible users. Upon requisition
180 by school districts, community colleges, universities, or other
181 eligible users of the Florida Information Resource Network, the
182 Commissioner of Education shall purchase the nondiscounted
183 portion of Internet access services, including, but not limited
184 to, circuits, encryption, content filtering, support, and any
185 other services needed for the effective and efficient operation
186 of the network. For the 2009-2010 fiscal year, each school
187 district, the Florida School for the Deaf and the Blind, and the
188 regional educational consortia eligible for the e-rate must
189 submit a requisition to the Commissioner of Education for at
190 least the same level of Internet access services used through
191 the Florida Information Resource Network contract in the 2008-
192 2009 fiscal year. Each user shall identify in its requisition
193 the source of funds from which the commissioner is to make
194 payments.

195 Section 5. Subsection (2) of section 1001.28, Florida
196 Statutes, is amended to read:

197 1001.28 Distance learning duties.—The duties of the
198 Department of Education concerning distance learning include,
199 but are not limited to, the duty to:

200 (2) Coordinate the use of existing resources, including,
201 but not limited to, the state's satellite transponders, the
202 Florida Information Resource Network (FIRN), ~~the Florida~~
203 ~~Knowledge Network,~~ and distance learning initiatives.

576-03505-11

20112120__

204

205 Nothing in this section shall be construed to abrogate,
206 supersede, alter, or amend the powers and duties of any state
207 agency, district school board, community college board of
208 trustees, university board of trustees, the Board of Governors,
209 or the State Board of Education.

210 Section 6. Paragraph (a) of subsection (2) of section
211 1001.451, Florida Statutes, is amended, and subsection (5) is
212 added to that section, to read:

213 1001.451 Regional consortium service organizations.—In
214 order to provide a full range of programs to larger numbers of
215 students, minimize duplication of services, and encourage the
216 development of new programs and services:

217 (2) (a) Each regional consortium service organization that
218 consists of four or more school districts is eligible to
219 receive, through the Department of Education, subject to the
220 funds provided in the General Appropriations Act, an incentive
221 grant of \$50,000 per school district and eligible member to be
222 used for the delivery of services within the participating
223 school districts. The determination of services and use of such
224 funds shall be established by the board of directors of the
225 regional consortium service organization. The funds shall be
226 distributed to each regional consortium service organization no
227 later than 30 days following the release of the funds to the
228 department.

229 (5) The board of directors of a regional consortium service
230 organization may use various means to generate revenue in
231 support of its activities. The board of directors may acquire,
232 enjoy, use, and dispose of patents, copyrights, and trademarks

576-03505-11

20112120__

233 and any licenses and other rights or interests thereunder or
234 therein. Ownership of all such patents, copyrights, trademarks,
235 licenses, and rights or interests thereunder or therein shall
236 vest in the state, with the board of directors having full right
237 of use and full right to retain the revenues derived therefrom.
238 Any funds realized from patents, copyrights, trademarks, or
239 licenses shall be considered internal funds as provided in s.
240 1011.07. Such funds shall be used to support the organization's
241 marketing and research and development activities in order to
242 improve and increase services to its member districts.

243 Section 7. Paragraph (e) of subsection (10) and subsection
244 (19) of section 1002.33, Florida Statutes, are amended, present
245 subsections (25) and (26) of that section are redesignated as
246 subsections (26) and (27), respectively, and a new subsection
247 (25) is added to that section, to read:

248 1002.33 Charter schools.—

249 (10) ELIGIBLE STUDENTS.—

250 (e) A charter school may limit the enrollment process only
251 to target the following student populations:

252 1. Students within specific age groups or grade levels.

253 2. Students considered at risk of dropping out of school or
254 academic failure. Such students shall include exceptional
255 education students.

256 3. Students enrolling in a charter school-in-the-workplace
257 or charter school-in-a-municipality established pursuant to
258 subsection (15).

259 4. Students residing within a reasonable distance of the
260 charter school, as described in paragraph (20)(c). Such students
261 shall be subject to a random lottery and to the racial/ethnic

576-03505-11

20112120__

262 balance provisions described in subparagraph (7)(a)8. or any
263 federal provisions that require a school to achieve a
264 racial/ethnic balance reflective of the community it serves or
265 within the racial/ethnic range of other public schools in the
266 same school district.

267 5. Students who meet reasonable academic, artistic, or
268 other eligibility standards established by the charter school
269 and included in the charter school application and charter or,
270 in the case of existing charter schools, standards that are
271 consistent with the school's mission and purpose. Such standards
272 shall be in accordance with current state law and practice in
273 public schools and may not discriminate against otherwise
274 qualified individuals.

275 6. Students articulating from one charter school to another
276 pursuant to an articulation agreement between the charter
277 schools that has been approved by the sponsor.

278 7. Students living in a development in which a business
279 entity provides the school facility and related property having
280 an appraised value of at least \$10 million to be used as a
281 charter school for the development. Students living in the
282 development shall be entitled to 50 percent of the student
283 stations in the charter school. The students who are eligible
284 for enrollment are subject to a random lottery, the
285 racial/ethnic balance provisions, or any federal provisions, as
286 described in subparagraph 4. The remainder of the student
287 stations shall be filled in accordance with subparagraph 4.

288 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
289 for capital outlay funds pursuant to s. 1013.62. Capital outlay
290 funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 that have been

576-03505-11

20112120__

291 shared with a charter school-in-the-workplace prior to July 1,
292 2010, are deemed to have met the authorized expenditure
293 requirements for such funds.

294 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
295 SCHOOL SYSTEMS.—A charter school system shall be considered a
296 local educational agency for the purpose of receiving federal
297 funds, the same as though the charter school system were a
298 school district, if the governing board of the charter school
299 system has adopted and filed a resolution with its sponsoring
300 district school board and the Department of Education in which
301 the governing board of the charter school system accepts the
302 full responsibility for all local education agency requirements
303 and the charter school system meets all of the following:

304 (a) Includes both conversion charter schools and
305 nonconversion charter schools;

306 (b) Has all schools located in the same county;

307 (c) Has a total enrollment exceeding the total enrollment
308 of at least one school district in the state;

309 (d) Has the same governing board; and

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

312
313 Such designation shall not apply to other provisions unless
314 specifically provided in law.

315 Section 8. Subsection (13) of section 1002.34, Florida
316 Statutes, is amended to read:

317 1002.34 Charter technical career centers.—

318 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
319 of a center may decide matters relating to the operation of the

576-03505-11

20112120__

320 school, including budgeting, curriculum, and operating
321 procedures, subject to the center's charter. The board of
322 directors is responsible for performing the duties provided in
323 s. 1002.345, including monitoring the corrective action plan.
324 The board of directors must comply with s. 1002.33(26) ~~s.~~
325 ~~1002.33(25)~~.

326 Section 9. Subsections (14) and (15) of section 1003.01,
327 Florida Statutes, are amended to read:

328 1003.01 Definitions.—As used in this chapter, the term:

329 (14) "Core-curricula courses" means:

330 (a) Language arts/reading, mathematics, and science courses
331 in prekindergarten through grade 3;

332 (b) Courses in grades 4 through 8 in subjects that are
333 measured by state assessment at any grade level;

334 (c) Courses in grades 9 through 12 in subjects that are
335 measured by state assessment at any grade level;

336 (d) Courses that are specifically identified by name in
337 statute as required for high school graduation and that are not
338 measured by state assessment, excluding any extracurricular
339 courses;

340 (e) Exceptional student education courses; and

341 (f) English for Speakers of Other Languages courses.

342 ~~courses defined by the Department of Education as mathematics,~~
343 ~~language arts/reading, science, social studies, foreign~~
344 ~~language, English for Speakers of Other Languages, exceptional~~
345 ~~student education, and courses taught in traditional self-~~
346 ~~contained elementary school classrooms.~~

347
348 The maximum number of students assigned to a core-curricula high

576-03505-11

20112120__

349 school course in which a student in grades 4 through 8 is
 350 enrolled shall be governed by the requirements in s.
 351 1003.03(1)(c). The term is limited in meaning and used for the
 352 sole purpose of designating classes that are subject to the
 353 maximum class size requirements established in s. 1, Art. IX of
 354 the State Constitution. This term does not include courses
 355 offered under ss. 1002.37, 1002.415, and 1002.45.

356 (15) "Extracurricular courses" means all courses that are
 357 not defined as "core-curricula courses," which may include, but
 358 are not limited to, physical education, fine arts, performing
 359 fine arts, ~~and~~ career education, and courses that may result in
 360 college credit. The term is limited in meaning and used for the
 361 sole purpose of designating classes that are not subject to the
 362 maximum class size requirements established in s. 1, Art. IX of
 363 the State Constitution.

364 Section 10. Subsections (1) and (2) of section 1003.03,
 365 Florida Statutes, are amended to read:

366 1003.03 Maximum class size.—

367 (1) ~~CONSTITUTIONAL CLASS SIZE MAXIMUMS.—~~Each year, on or
 368 before the October student membership survey, the following
 369 class size maximums shall be satisfied Pursuant to s. 1, Art. IX
 370 ~~of the State Constitution, beginning in the 2010-2011 school~~
 371 ~~year:~~

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

376 (b) The maximum number of students assigned to each teacher
 377 who is teaching core-curricula courses in public school

576-03505-11

20112120__

378 classrooms for grades 4 through 8 may not exceed 22 students.

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

382

383 These maximums shall be maintained after the October student
384 membership survey, except as provided in paragraph (2)(b) or due
385 to an extreme emergency beyond the control of the district
386 school board.

387 (2) IMPLEMENTATION.—

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

391 (b) A student who enrolls in a school after the October
392 student membership survey may be assigned to an existing class
393 that temporarily exceeds the maximum number of students in
394 subsection (1) if the district school board determines it to be
395 impractical, educationally unsound, or disruptive to student
396 learning to not assign the student to the class. If the district
397 school board makes this determination:

398 1. Up to three students may be assigned to a teacher in
399 kindergarten through grade 3 above the maximum as provided in
400 paragraph (1)(a);

401 2. Up to five students may be assigned to a teacher in
402 grades 4 through 12 above the maximum as provided in paragraphs
403 (1)(b) and (1)(c), respectively; and

404 3. The district school board shall develop a plan that
405 provides that the school will be in full compliance with the
406 maximum class size in subsection (1) by the next October student

576-03505-11

20112120__

407 membership survey.

408 ~~(b) Prior to the adoption of the district school budget for~~
409 ~~2010-2011, each district school board shall hold public hearings~~
410 ~~and provide information to parents on the district's website,~~
411 ~~and through any other means by which the district provides~~
412 ~~information to parents and the public, on the district's~~
413 ~~strategies to meet the requirements in subsection (1).~~

414 Section 11. Subsection (6) of section 1004.02, Florida
415 Statutes, is amended to read:

416 1004.02 Definitions.—As used in this chapter:

417 (6) "Adult student" is a student who is beyond the
418 compulsory school age and who has legally left elementary or
419 secondary school, ~~or a high school student who is taking an~~
420 ~~adult course required for high school graduation.~~

421 Section 12. Section 1006.282, Florida Statutes, is created
422 to read:

423 1006.282 Transition to electronic and digital instructional
424 material pilot program.—

425 (1) A school district board may designate pilot schools to
426 implement the transition to instructional materials that are in
427 an electronic or a digital format.

428 (2) For the purpose of this section, the term:

429 (a) "Electronic format" means text-based or image-based
430 content in a form that is produced on, published by, and
431 readable on computers or other digital devices and is an
432 electronic version of a printed book, whether or not any printed
433 equivalent exists.

434 (b) "Digital format" means text-based or image-based
435 content in a form that provides the student with various

576-03505-11

20112120__

436 interactive functions; that can be searched, tagged,
437 distributed, and utilized for individualized or group learning;
438 that may include multimedia content such as video clips,
439 animations, or virtual reality; and that has the ability to be
440 accessed through the district's local instructional improvement
441 system or a variety of mobile, electronic, or digital devices.

442 (3) A school board may designate pilot schools only if the
443 school district:

444 (a) Has implemented a learning management system pursuant
445 to s. 1006.281, which also enables district and school staff to
446 plan, create, and manage professional development and to connect
447 professional development with staff information and student
448 performance; provides ability to seamlessly connect the system
449 to electronic and digital instructional materials and the
450 instructional materials to student assessment data; and includes
451 the minimum standards published by the Department of Education.

452 (b) Requests only the electronic format of the specimen
453 copies of instructional materials submitted pursuant to s.
454 1006.33.

455 (c) Uses at least 50 percent of the pilot school's annual
456 allocation from the district for the purchase of electronic or
457 digital instructional materials included on the state-adopted
458 list.

459 (4) A school designated as a pilot school by the school
460 board is exempt from:

461 (a) Section 1006.40(2)(a), if the school provides
462 comprehensive electronic or digital instructional materials to
463 the students within the pilot school; and

464 (b) Section 1006.37, relating to the requisition of

576-03505-11

20112120

465 instructional materials from the publisher's depository.

466 (5) By August 1 of each year beginning in 2011, the school
467 board must report to the Department of Education the school or
468 schools in its district that have been designated as a pilot
469 school. The report must include:

470 (a) The name of the pilot school, and the grade or grades
471 and associated course or courses included in the pilot.

472 (b) A description of the type of technological tool or
473 tools that will be used to access the electronic or digital
474 instructional materials included in the pilot.

475 (c) The projected costs, including cost savings or cost
476 avoidances, associated with the pilot.

477 (6) By September 1 of each year beginning in 2012, each
478 school board that has designated a pilot school must provide to
479 the Department of Education, the Executive Office of the
480 Governor, and the chairs of the appropriations committees of the
481 Senate and the House of Representatives a review of the pilot
482 school which must include, but need not limited be to:

483 (a) Successful practices;

484 (b) Lessons learned;

485 (c) Level of investment and cost-effectiveness; and

486 (d) Impacts on student performance.

487 Section 13. Paragraphs (j) through (u) of subsection (1)
488 and paragraph (b) of subsection (6) of section 1011.62, Florida
489 Statutes, are amended to read:

490 1011.62 Funds for operation of schools.—If the annual
491 allocation from the Florida Education Finance Program to each
492 district for operation of schools is not determined in the
493 annual appropriations act or the substantive bill implementing

576-03505-11

20112120__

494 the annual appropriations act, it shall be determined as
495 follows:

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

500 ~~(j) Coenrollment.~~ If a high school student wishes to earn
501 high school credits from a community college and enrolls in one
502 or more adult secondary education courses at the community
503 college, the community college shall be reimbursed for the costs
504 incurred because of the high school student's coenrollment as
505 provided in the General Appropriations Act.

506 (j) ~~(k)~~ *Instruction in exploratory career education.*—
507 Students in grades 7 through 12 who are enrolled for more than
508 four semesters in exploratory career education may not be
509 counted as full-time equivalent students for this instruction.

510 (k) ~~(l)~~ *Study hall.*—A student who is enrolled in study hall
511 may not be included in the calculation of full-time equivalent
512 student membership for funding under this section.

513 (l) ~~(m)~~ *Calculation of additional full-time equivalent*
514 *membership based on International Baccalaureate examination*
515 *scores of students.*—A value of 0.16 full-time equivalent student
516 membership shall be calculated for each student enrolled in an
517 International Baccalaureate course who receives a score of 4 or
518 higher on a subject examination. A value of 0.3 full-time
519 equivalent student membership shall be calculated for each
520 student who receives an International Baccalaureate diploma.
521 Such value shall be added to the total full-time equivalent
522 student membership in basic programs for grades 9 through 12 in

576-03505-11

20112120__

523 the subsequent fiscal year. Each school district shall allocate
524 80 percent of the funds received from International
525 Baccalaureate bonus FTE funding to the school program whose
526 students generate the funds and to school programs that prepare
527 prospective students to enroll in International Baccalaureate
528 courses. Funds shall be expended solely for the payment of
529 allowable costs associated with the International Baccalaureate
530 program. Allowable costs include International Baccalaureate
531 annual school fees; International Baccalaureate examination
532 fees; salary, benefits, and bonuses for teachers and program
533 coordinators for the International Baccalaureate program and
534 teachers and coordinators who prepare prospective students for
535 the International Baccalaureate program; supplemental books;
536 instructional supplies; instructional equipment or instructional
537 materials for International Baccalaureate courses; other
538 activities that identify prospective International Baccalaureate
539 students or prepare prospective students to enroll in
540 International Baccalaureate courses; and training or
541 professional development for International Baccalaureate
542 teachers. School districts shall allocate the remaining 20
543 percent of the funds received from International Baccalaureate
544 bonus FTE funding for programs that assist academically
545 disadvantaged students to prepare for more rigorous courses. The
546 school district shall distribute to each classroom teacher who
547 provided International Baccalaureate instruction:

548 1. A bonus in the amount of \$50 for each student taught by
549 the International Baccalaureate teacher in each International
550 Baccalaureate course who receives a score of 4 or higher on the
551 International Baccalaureate examination.

576-03505-11

20112120__

552 2. An additional bonus of \$500 to each International
553 Baccalaureate teacher in a school designated with a grade of "D"
554 or "F" who has at least one student scoring 4 or higher on the
555 International Baccalaureate examination, regardless of the
556 number of classes taught or of the number of students scoring a
557 4 or higher on the International Baccalaureate examination.
558

559 Bonuses awarded to a teacher according to this paragraph shall
560 not exceed \$2,000 in any given school year and shall be in
561 addition to any regular wage or other bonus the teacher received
562 or is scheduled to receive.

563 (m) ~~(n)~~ *Calculation of additional full-time equivalent*
564 *membership based on Advanced International Certificate of*
565 *Education examination scores of students.*—A value of 0.16 full-
566 time equivalent student membership shall be calculated for each
567 student enrolled in a full-credit Advanced International
568 Certificate of Education course who receives a score of E or
569 higher on a subject examination. A value of 0.08 full-time
570 equivalent student membership shall be calculated for each
571 student enrolled in a half-credit Advanced International
572 Certificate of Education course who receives a score of E or
573 higher on a subject examination. A value of 0.3 full-time
574 equivalent student membership shall be calculated for each
575 student who receives an Advanced International Certificate of
576 Education diploma. Such value shall be added to the total full-
577 time equivalent student membership in basic programs for grades
578 9 through 12 in the subsequent fiscal year. The school district
579 shall distribute to each classroom teacher who provided Advanced
580 International Certificate of Education instruction:

576-03505-11

20112120__

581 1. A bonus in the amount of \$50 for each student taught by
582 the Advanced International Certificate of Education teacher in
583 each full-credit Advanced International Certificate of Education
584 course who receives a score of E or higher on the Advanced
585 International Certificate of Education examination. A bonus in
586 the amount of \$25 for each student taught by the Advanced
587 International Certificate of Education teacher in each half-
588 credit Advanced International Certificate of Education course
589 who receives a score of E or higher on the Advanced
590 International Certificate of Education examination.

591 2. An additional bonus of \$500 to each Advanced
592 International Certificate of Education teacher in a school
593 designated with a grade of "D" or "F" who has at least one
594 student scoring E or higher on the full-credit Advanced
595 International Certificate of Education examination, regardless
596 of the number of classes taught or of the number of students
597 scoring an E or higher on the full-credit Advanced International
598 Certificate of Education examination.

599 3. Additional bonuses of \$250 each to teachers of half-
600 credit Advanced International Certificate of Education classes
601 in a school designated with a grade of "D" or "F" which has at
602 least one student scoring an E or higher on the half-credit
603 Advanced International Certificate of Education examination in
604 that class. The maximum additional bonus for a teacher awarded
605 in accordance with this subparagraph shall not exceed \$500 in
606 any given school year. Teachers receiving an award under
607 subparagraph 2. are not eligible for a bonus under this
608 subparagraph.

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576-03505-11

20112120__

610 Bonuses awarded to a teacher according to this paragraph shall
611 not exceed \$2,000 in any given school year and shall be in
612 addition to any regular wage or other bonus the teacher received
613 or is scheduled to receive.

614 (n) ~~(e)~~ *Calculation of additional full-time equivalent*
615 *membership based on college board advanced placement scores of*
616 *students.*—A value of 0.16 full-time equivalent student
617 membership shall be calculated for each student in each advanced
618 placement course who receives a score of 3 or higher on the
619 College Board Advanced Placement Examination for the prior year
620 and added to the total full-time equivalent student membership
621 in basic programs for grades 9 through 12 in the subsequent
622 fiscal year. Each district must allocate at least 80 percent of
623 the funds provided to the district for advanced placement
624 instruction, in accordance with this paragraph, to the high
625 school that generates the funds. The school district shall
626 distribute to each classroom teacher who provided advanced
627 placement instruction:

628 1. A bonus in the amount of \$50 for each student taught by
629 the Advanced Placement teacher in each advanced placement course
630 who receives a score of 3 or higher on the College Board
631 Advanced Placement Examination.

632 2. An additional bonus of \$500 to each Advanced Placement
633 teacher in a school designated with a grade of "D" or "F" who
634 has at least one student scoring 3 or higher on the College
635 Board Advanced Placement Examination, regardless of the number
636 of classes taught or of the number of students scoring a 3 or
637 higher on the College Board Advanced Placement Examination.

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576-03505-11

20112120__

639 Bonuses awarded to a teacher according to this paragraph shall
640 not exceed \$2,000 in any given school year and shall be in
641 addition to any regular wage or other bonus the teacher received
642 or is scheduled to receive.

643 ~~(o) (p)~~ Calculation of additional full-time equivalent
644 membership based on certification of successful completion of
645 industry-certified career and professional academy programs
646 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
647 in the Industry Certified Funding List pursuant to rules adopted
648 by the State Board of Education.—A value of 0.1, 0.2, or 0.3
649 full-time equivalent student membership shall be calculated for
650 each student who completes an industry-certified career and
651 professional academy program under ss. 1003.491, 1003.492, and
652 1003.493 and who is issued the highest level of industry
653 certification identified annually in the Industry Certification
654 Funding List approved under rules adopted by the State Board of
655 Education and a high school diploma. The maximum full-time
656 equivalent student membership value for any student is 0.3. The
657 Department of Education shall assign the appropriate full-time
658 equivalent value for each certification, 50 percent of which is
659 based on rigor and the remaining 50 percent on employment value.
660 The State Board of Education shall include the assigned values
661 in the Industry Certification Funding List under rules adopted
662 by the state board. Rigor shall be based on the number of
663 instructional hours, including work experience hours, required
664 to earn the certification, with a bonus for industry
665 certifications that have a statewide articulation agreement for
666 college credit approved by the State Board of Education.
667 Employment value shall be based on the entry wage, growth rate

576-03505-11

20112120__

668 in employment for each occupational category, and average annual
669 openings for the primary occupation linked to the industry
670 certification. Such value shall be added to the total full-time
671 equivalent student membership in secondary career education
672 programs for grades 9 through 12 in the subsequent year for
673 courses that were not funded through dual enrollment. The
674 additional full-time equivalent membership authorized under this
675 paragraph may not exceed 0.3 per student. Each district must
676 allocate at least 80 percent of the funds provided for industry
677 certification, in accordance with this paragraph, to the program
678 that generated the funds. Unless a different amount is specified
679 in the General Appropriations Act, the appropriation for this
680 calculation is limited to \$15 million annually. If the
681 appropriation is insufficient to fully fund the total
682 calculation, the appropriation shall be prorated.

683 (p) ~~(q)~~ *Calculation of additional full-time equivalent*
684 *membership for the Florida Virtual School.*—The reported full-
685 time equivalent student membership for the Florida Virtual
686 School for students who are also enrolled in a school district
687 shall be multiplied by 0.114, and such value shall be added to
688 the total full-time equivalent student membership.

689 (q) ~~(r)~~ *Year-round-school programs.*—The Commissioner of
690 Education is authorized to adjust student eligibility
691 definitions, funding criteria, and reporting requirements of
692 statutes and rules in order that year-round-school programs may
693 achieve equivalent application of funding requirements with non-
694 year-round-school programs.

695 (r) ~~(s)~~ *Extended-school-year program.*—It is the intent of
696 the Legislature that students be provided additional instruction

576-03505-11

20112120__

697 by extending the school year to 210 days or more. Districts may
698 apply to the Commissioner of Education for funds to be used in
699 planning and implementing an extended-school-year program.

700 (s)~~(t)~~ *Determination of the basic amount for current*
701 *operation.*—The basic amount for current operation to be included
702 in the Florida Education Finance Program for kindergarten
703 through grade 12 for each district shall be the product of the
704 following:

705 1. The full-time equivalent student membership in each
706 program, multiplied by

707 2. The cost factor for each program, adjusted for the
708 maximum as provided by paragraph (c), multiplied by

709 3. The base student allocation.

710 (t)~~(u)~~ *Computation for funding through the Florida*
711 *Education Finance Program.*—The State Board of Education may
712 adopt rules establishing programs and courses for which the
713 student may earn credit toward high school graduation.

714 (6) CATEGORICAL FUNDS.—

715 (b) If a district school board finds and declares in a
716 resolution adopted at a regular meeting of the school board that
717 the funds received for any of the following categorical
718 appropriations are urgently needed to maintain school board
719 specified academic classroom instruction, the school board may
720 consider and approve an amendment to the school district
721 operating budget transferring the identified amount of the
722 categorical funds to the appropriate account for expenditure:

723 1. Funds for student transportation.

724 2. Funds for safe schools.

725 3. Funds for supplemental academic instruction.

576-03505-11

20112120__

726 4. Funds for research-based reading instruction.

727 5. Funds for instructional materials if all instructional
728 material purchases necessary to provide updated materials
729 aligned to Next Generation Sunshine State Standards and
730 benchmarks and that meet statutory requirements of content and
731 learning have been completed for that fiscal year, but no sooner
732 than March 1, ~~2011~~. Funds available after March 1 may be used to
733 purchase hardware for student instruction.

734 Section 14. Section 1011.621, Florida Statutes, is created
735 to read:

736 1011.621 Adjustments for interdistrict transfers of
737 students in Department of Juvenile Justice detention facilities
738 within a survey period.—The Department of Education, upon the
739 request by a school district and verification by the Department
740 of Juvenile Justice, shall direct a school district that
741 receives Florida Education Finance Program funds attributed to a
742 membership survey for children in secure detention care pursuant
743 to chapter 985 to transfer a pro rata share of the funds to
744 another district that served the same students during the same
745 survey period but were unable to report the students for
746 funding. The amount of the funds transfer shall be based on the
747 percentage of the survey period in which the students were
748 served by each district.

749 Section 15. Subsection (2) of section 1011.685, Florida
750 Statutes, is amended to read:

751 1011.685 Class size reduction; operating categorical fund.—
752 (2) Class size reduction operating categorical funds shall
753 be used by school districts to reduce class size as required in
754 s. 1003.03. A school district that meets the maximum class size

576-03505-11

20112120__

755 requirement may use the funds, ~~or the funds may be used~~ for any
756 lawful operating expenditure; however, priority shall be given
757 to increasing salaries of classroom teachers.

758 Section 16. Paragraph (b) of subsection (3) of section
759 1011.71, Florida Statutes, is amended, and paragraphs (c) and
760 (d) are added to that subsection, to read:

761 1011.71 District school tax.—

762 (3)

763 (b) In addition to the millage authorized in this section,
764 each district school board may, by a super majority vote, levy
765 an additional 0.25 mills for critical capital outlay needs or
766 for critical operating needs. If levied for capital outlay,
767 expenditures shall be subject to the requirements of this
768 section. If levied for operations, expenditures shall be
769 consistent with the requirements for operating funds received
770 pursuant to s. 1011.62. If the district levies this additional
771 0.25 mills for operations, the compression adjustment pursuant
772 to s. 1011.62(5) shall be calculated and added to the district's
773 FEFP allocation. Millage levied pursuant to this paragraph is
774 subject to the provisions of s. 200.065. In order to be
775 continued after the 2010-2011 fiscal year, millage levied
776 pursuant to this paragraph must be approved by the voters of the
777 district at the 2010 general election or at a subsequent
778 election held at any time, except that not more than one such
779 election shall be held during any 12-month period. Any millage
780 so authorized shall be levied for a period not in excess of 2
781 years or until changed by another millage election, whichever is
782 earlier. If any such election is invalidated by a court of
783 competent jurisdiction, such invalidated election shall be

576-03505-11

20112120__

784 considered not to have been held. The provisions of this
785 paragraph expire June 30, 2011.

786 (c) Local funds generated by the additional 0.25 mills
787 authorized in paragraph (b) and state funds provided pursuant to
788 s. 1011.62(5) may not be included in the calculation of the
789 Florida Education Finance Program in 2011-2012 or any subsequent
790 year and may not be incorporated in the calculation of any hold-
791 harmless or other component of the Florida Education Finance
792 Program in any year, except as provided in paragraph (d).

793 (d) For the 2011-2012 and 2012-2013 fiscal years, the 0.25
794 mills authorized in paragraph (b) may be levied by the districts
795 in which it was authorized by the voters in the 2010 general
796 election. If a district levies this voter-approved 0.25 mills
797 for operations, a compression adjustment pursuant to s.
798 1011.62(5) may be calculated and added to the district's Florida
799 Education Finance Program allocation, subject to determination
800 in the General Appropriations Act.

801 Section 17. Subsection (8) is added to section 1012.225,
802 Florida Statutes, to read:

803 1012.225 Merit Award Program for Instructional Personnel
804 and School-Based Administrators.—

805 (8) EXPIRATION.—State funding pursuant to this section
806 shall be discontinued following payment of awards for the 2010-
807 2011 fiscal year.

808 Section 18. Section 1013.737, Florida Statutes, is amended
809 to read:

810 1013.737 The Class Size Reduction and Educational
811 Facilities Lottery Revenue Bond Program.—There is established
812 the Class Size Reduction and Educational Facilities Lottery

576-03505-11

20112120__

813 Revenue Bond Program.

814 (1) The issuance of revenue bonds is authorized to finance
815 or refinance the construction, acquisition, reconstruction, or
816 renovation of educational facilities. Such bonds shall be issued
817 pursuant to and in compliance with the provisions of s. 11(d),
818 Art. VII of the State Constitution, the provisions of the State
819 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
820 this section.

821 (2) The bonds are payable from, and secured by a first lien
822 on, the first lottery revenues transferred to the Educational
823 Enhancement Trust Fund each fiscal year, as provided by s.
824 24.121(2), and do not constitute a general obligation of, or a
825 pledge of the full faith and credit of, the state.

826 (3) The state hereby covenants with the holders of such
827 revenue bonds that it will not take any action that will
828 materially and adversely affect the rights of such holders so
829 long as bonds authorized by this section are outstanding. The
830 state does hereby additionally authorize the establishment of a
831 covenant in connection with the bonds which provides that any
832 additional funds received by the state from new or enhanced
833 lottery programs; video gaming; banking card games, including
834 baccarat, chemin de fer, or blackjack; electronic or
835 electromechanical facsimiles of any game of chance; casino
836 games; slot machines; or other similar activities will first be
837 available for payments relating to bonds pledging revenues
838 available pursuant to s. 24.121(2), prior to use for any other
839 purpose.

840 (4) The bonds shall be issued by the Division of Bond
841 Finance of the State Board of Administration on behalf of the

576-03505-11

20112120__

842 Department of Education in such amount as shall be requested by
843 resolution of the State Board of Education. However, the total
844 principal amount of bonds, excluding refunding bonds, issued
845 pursuant to this section shall not exceed amounts specifically
846 authorized in the General Appropriations Act.

847 (5) Proceeds available from the sale of the bonds shall be
848 deposited in the Lottery Capital Outlay and Debt Service Trust
849 Fund within the Department of Education.

850 (6) The facilities to be financed with the proceeds of such
851 bonds are designated as state fixed capital outlay projects for
852 purposes of s. 11(d), Art. VII of the State Constitution, and
853 the specific facilities to be financed shall be determined in
854 accordance with state law and appropriations from the
855 Educational Enhancement Trust Fund. Projects shall be funded
856 from the Lottery Capital Outlay and Debt Service Trust Fund.
857 Each educational facility to be financed with the proceeds of
858 the bonds issued pursuant to this section is hereby approved as
859 required by s. 11(f), Art. VII of the State Constitution.

860 (7) Any complaint for validation of such bonds is required
861 to be filed only in the circuit court of the county where the
862 seat of state government is situated. The notice required to be
863 published by s. 75.06 is required to be published only in the
864 county where the complaint is filed, and the complaint and order
865 of the circuit court need be served only on the state attorney
866 of the circuit in which the action is pending.

867 (8) The Commissioner of Education shall provide for timely
868 encumbrances of funds for duly authorized projects. Encumbrances
869 may include proceeds to be received under a resolution approved
870 by the State Board of Education authorizing issuance of class

576-03505-11

20112120__

871 size reduction lottery bonds or educational facilities bonds
872 pursuant to s. 11(d), Art. VII of the State Constitution, this
873 section, and other applicable law.

874 Section 19. Notwithstanding the required review by the
875 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
876 Florida Statutes, the Legislature hereby adopts by reference the
877 alternate compliance calculation amounts to the class size
878 operating categorical as set forth in Budget Amendment EOG
879 #02011-0074, as submitted on March 2, 2011, by the Governor on
880 behalf of the Department of Education for approval by the
881 Legislative Budget Commission. The Commissioner of Education
882 shall modify payments to school districts for the 2010-2011
883 fiscal year consistent with the amendment and s. 1003.03,
884 Florida Statutes. This section shall take effect upon this act
885 becoming a law.

886 Section 20. Except as otherwise expressly provided in this
887 act and except for this section, which shall take effect upon
888 this act becoming a law, this act shall take effect July 1,
889 2011.