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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.;

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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; requiring  
58 that the Department of Education identify from the

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59 Course Code Directory the core-curricula courses for  
60 the purpose of satisfying the maximum class size  
61 requirement; authorizing the department to adopt  
62 rules; amending s. 1004.02, F.S.; revising the  
63 definition of the term "adult student"; creating s.  
64 1006.282, F.S.; authorizing each district school board  
65 to designate schools to implement a pilot program for  
66 the transition to instructional materials in an  
67 electronic or digital format; providing definitions;  
68 providing requirements for the designation of pilot  
69 schools; providing exemptions for such schools;  
70 requiring that the district school board report to the  
71 department by a specified date each year; requiring  
72 that the report include certain information; requiring  
73 that each district school board submit a review of the  
74 pilot program to the department, the Executive Office  
75 of the Governor, and the chairs of the legislative  
76 appropriations committees by a specified date each  
77 year; amending s. 1011.62, F.S.; revising provisions  
78 relating to district funding for the operation of  
79 schools; deleting provisions relating to the  
80 coenrollment of high school students; providing the  
81 maximum full-time equivalent membership value for  
82 students completing an industry-certified career and  
83 professional academy program; requiring that the  
84 Department of Education assign the appropriate full-  
85 time equivalent value for each certification based on  
86 rigor and employment value; requiring that the State  
87 Board of Education include the assigned values in the

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88 Industry Certification Funding List under rules  
89 adopted by the state board; creating s. 1011.621,  
90 F.S.; requiring that the Department of Education, upon  
91 request by a school district and verification by the  
92 Department of Juvenile Justice, direct a school  
93 district receiving funds through the Florida Education  
94 Finance Program to transfer a pro rata share of the  
95 funds to another district that served the same  
96 students during the same survey period but were unable  
97 to report the students for funding purposes; requiring  
98 that the amount of the transfer be based on the  
99 percentage of the survey period in which the students  
100 were served by each district; amending s. 1011.685,  
101 F.S.; revising provisions relating to class size  
102 reduction operational categorical funds; authorizing a  
103 school district that meets the maximum class size  
104 requirement to use the funds for any lawful operating  
105 expenditure; amending s. 1011.71, F.S.; revising  
106 provisions relating to the district school tax;  
107 providing for future expiration of provisions relating  
108 to additional millage levied by district school  
109 boards; authorizing district school boards to levy  
110 additional millage if approved by the voters;  
111 providing that the local funds generated by the  
112 additional millage not be included in the calculation  
113 of funding through the Florida Education Finance  
114 Program; amending s. 1012.225, F.S.; discontinuing  
115 state funding for the Merit Award Program for  
116 Instructional Personnel and School-Based

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117 Administrators; amending s. 1013.737, F.S.; changing  
118 the name of the Class Size Reduction Lottery Revenue  
119 Bond Program to the Class Size Reduction and  
120 Educational Facilities Lottery Revenue Bond Program;  
121 authorizing the issuance of educational facilities  
122 bonds; adopting by reference the alternate compliance  
123 calculation amounts to the class size operating  
124 categorical, as submitted by the Governor on behalf of  
125 the Department of Education for approval by the  
126 Legislative Budget Commission; requiring that the  
127 Commissioner of Education modify payments to school  
128 districts for the 2010-2011 fiscal year consistent  
129 with the amendment; providing effective dates.

130  
131 Be It Enacted by the Legislature of the State of Florida:

132  
133 Section 1. Paragraph (dd) is added to subsection (8) of  
134 section 213.053, Florida Statutes, as amended by chapter 2010-  
135 280, Laws of Florida, to read:

136 213.053 Confidentiality and information sharing.—

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

139 (dd) Information relative to s. 215.61(6) to the State  
140 Board of Education, the Division of Bond Finance, and the Office  
141 of Economic and Demographic Research.

142  
143 Disclosure of information under this subsection shall be  
144 pursuant to a written agreement between the executive director  
145 and the agency. Such agencies, governmental or nongovernmental,

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146 shall be bound by the same requirements of confidentiality as  
147 the Department of Revenue. Breach of confidentiality is a  
148 misdemeanor of the first degree, punishable as provided by s.  
149 775.082 or s. 775.083.

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

152 215.61 State system of public education capital outlay  
153 bonds.—

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

166 Section 3. Paragraph (b) of subsection (2) of section  
167 1001.25, Florida Statutes, is amended to read:

168 1001.25 Educational television.—

169 (2) POWERS OF DEPARTMENT.—

170 (b) The department shall provide through educational  
171 television or ~~and~~ other electronic media a means of extending  
172 educational services to all the state system of public  
173 education, except the state universities, which provision by the  
174 department is limited by paragraph (c) and by s. 1001.26(1). The

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175 department shall recommend to the State Board of Education rules  
176 necessary to provide such services.

177 Section 4. Section 1001.271, Florida Statutes, is amended  
178 to read:

179 1001.271 Florida Information Resource Network.—The  
180 Commissioner of Education shall facilitate and coordinate the  
181 use of the Florida Information Resource Network by school  
182 districts, educational institutions in the Florida College  
183 System, universities, and other eligible users. ~~Upon requisition~~  
184 ~~by school districts, community colleges, universities, or other~~  
185 ~~eligible users of the Florida Information Resource Network, the~~  
186 ~~Commissioner of Education shall purchase the nondiscounted~~  
187 ~~portion of Internet access services, including, but not limited~~  
188 ~~to, circuits, encryption, content filtering, support, and any~~  
189 ~~other services needed for the effective and efficient operation~~  
190 ~~of the network. For the 2009-2010 fiscal year, each school~~  
191 ~~district, the Florida School for the Deaf and the Blind, and the~~  
192 ~~regional educational consortia eligible for the e-rate must~~  
193 ~~submit a requisition to the Commissioner of Education for at~~  
194 ~~least the same level of Internet access services used through~~  
195 ~~the Florida Information Resource Network contract in the 2008-~~  
196 ~~2009 fiscal year. Each user shall identify in its requisition~~  
197 ~~the source of funds from which the commissioner is to make~~  
198 ~~payments.~~

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

201 1001.28 Distance learning duties.—The duties of the  
202 Department of Education concerning distance learning include,  
203 but are not limited to, the duty to:

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

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

214 Section 6. Paragraph (a) of subsection (2) of section  
215 1001.451, Florida Statutes, is amended, and subsection (5) is  
216 added to that section, to read:

217 1001.451 Regional consortium service organizations.—In  
218 order to provide a full range of programs to larger numbers of  
219 students, minimize duplication of services, and encourage the  
220 development of new programs and services:

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



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233       (5) The board of directors of a regional consortium service  
234 organization may use various means to generate revenue in  
235 support of its activities. The board of directors may acquire,  
236 enjoy, use, and dispose of patents, copyrights, and trademarks  
237 and any licenses and other rights or interests thereunder or  
238 therein. Ownership of all such patents, copyrights, trademarks,  
239 licenses, and rights or interests thereunder or therein shall  
240 vest in the state, with the board of directors having full right  
241 of use and full right to retain the revenues derived therefrom.  
242 Any funds realized from patents, copyrights, trademarks, or  
243 licenses shall be considered internal funds as provided in s.  
244 1011.07. Such funds shall be used to support the organization's  
245 marketing and research and development activities in order to  
246 improve and increase services to its member districts.

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

252       1002.33 Charter schools.—

253       (10) ELIGIBLE STUDENTS.—

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

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

257       2. Students considered at risk of dropping out of school or  
258 academic failure. Such students shall include exceptional  
259 education students.

260       3. Students enrolling in a charter school-in-the-workplace  
261 or charter school-in-a-municipality established pursuant to

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262 subsection (15).

263 4. Students residing within a reasonable distance of the  
264 charter school, as described in paragraph (20)(c). Such students  
265 shall be subject to a random lottery and to the racial/ethnic  
266 balance provisions described in subparagraph (7)(a)8. or any  
267 federal provisions that require a school to achieve a  
268 racial/ethnic balance reflective of the community it serves or  
269 within the racial/ethnic range of other public schools in the  
270 same school district.

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

279 6. Students articulating from one charter school to another  
280 pursuant to an articulation agreement between the charter  
281 schools that has been approved by the sponsor.

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

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291 stations shall be filled in accordance with subparagraph 4.

292 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
293 for capital outlay funds pursuant to s. 1013.62. Capital outlay  
294 funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 that have been  
295 shared with a charter school-in-the-workplace prior to July 1,  
296 2010, are deemed to have met the authorized expenditure  
297 requirements for such funds.

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

308 (a) Includes both conversion charter schools and  
309 nonconversion charter schools;

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

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

313 (d) Has the same governing board; and

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

316  
317 Such designation shall not apply to other provisions unless  
318 specifically provided in law.

319 Section 8. Subsection (13) of section 1002.34, Florida

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320 Statutes, is amended to read:

321 1002.34 Charter technical career centers.—

322 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors  
323 of a center may decide matters relating to the operation of the  
324 school, including budgeting, curriculum, and operating  
325 procedures, subject to the center's charter. The board of  
326 directors is responsible for performing the duties provided in  
327 s. 1002.345, including monitoring the corrective action plan.  
328 The board of directors must comply with s. 1002.33(26) ~~s.~~  
329 ~~1002.33(25)~~.

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

332 1003.01 Definitions.—As used in this chapter, the term:

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

334 (a) Courses in language arts/reading, mathematics, social  
335 studies, and science in prekindergarten through grade 3;

336 (b) Courses in grades 4 through 8 in subjects that are  
337 measured by state assessment at any grade level and courses  
338 required for middle school promotion;

339 (c) Courses in grades 9 through 12 in subjects that are  
340 measured by state assessment at any grade level and courses that  
341 are specifically identified by name in statute as required for  
342 high school graduation and that are not measured by state  
343 assessment, excluding any extracurricular courses pursuant to  
344 subsection (15);

345 (d) Exceptional student education courses; and

346 (e) English for Speakers of Other Languages courses.

347 ~~courses defined by the Department of Education as mathematics,~~  
348 ~~language arts/reading, science, social studies, foreign~~

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349 ~~language, English for Speakers of Other Languages, exceptional~~  
350 ~~student education, and courses taught in traditional self-~~  
351 ~~contained elementary school classrooms.~~

352

353 The term is limited in meaning and used for the sole purpose of  
354 designating classes that are subject to the maximum class size  
355 requirements established in s. 1, Art. IX of the State  
356 Constitution. This term does not include courses offered under  
357 ss. 1002.37, 1002.415, and 1002.45.

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

366 Section 10. Subsections (1) and (2) of section 1003.03,  
367 Florida Statutes, are amended, and subsection (6) is added to  
368 that section, to read:

369 1003.03 Maximum class size.—

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

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

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378 students.

379 (b) The maximum number of students assigned to each teacher  
380 who is teaching core-curricula courses in public school  
381 classrooms for grades 4 through 8 may not exceed 22 students.  
382 The maximum number of students assigned to a core-curricula high  
383 school course in which a student in grades 4 through 8 is  
384 enrolled shall be governed by the requirements in s.  
385 1003.03(1)(c).

386 (c) The maximum number of students assigned to each teacher  
387 who is teaching core-curricula courses in public school  
388 classrooms for grades 9 through 12 may not exceed 25 students.  
389  
390 These maximums shall be maintained after the October student  
391 membership survey, except as provided in paragraph (2)(b) or due  
392 to an extreme emergency beyond the control of the district  
393 school board.

394 (2) IMPLEMENTATION.—

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

398 (b) A student who enrolls in a school after the October  
399 student membership survey may be assigned to an existing class  
400 that temporarily exceeds the maximum number of students in  
401 subsection (1) if the district school board determines it to be  
402 impractical, educationally unsound, or disruptive to student  
403 learning to not assign the student to the class. If the district  
404 school board makes this determination:

405 1. Up to three students may be assigned to a teacher in  
406 kindergarten through grade 3 above the maximum as provided in

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407 paragraph (1) (a);

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

411 3. The district school board shall develop a plan that  
412 provides that the school will be in full compliance with the  
413 maximum class size in subsection (1) by the next October student  
414 membership survey.

415 ~~(b) Prior to the adoption of the district school budget for~~  
416 ~~2010-2011, each district school board shall hold public hearings~~  
417 ~~and provide information to parents on the district's website,~~  
418 ~~and through any other means by which the district provides~~  
419 ~~information to parents and the public, on the district's~~  
420 ~~strategies to meet the requirements in subsection (1).~~

421 (6) COURSES FOR COMPLIANCE.—Consistent with the provisions  
422 in ss. 1003.01(14) and 1003.428, the Department of Education  
423 shall identify from the Course Code Directory the core-curricula  
424 courses for the purpose of satisfying the maximum class size  
425 requirement in this section. The department may adopt rules to  
426 implement this subsection, if necessary.

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

429 1004.02 Definitions.—As used in this chapter:

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

434 Section 12. Section 1006.282, Florida Statutes, is created  
435 to read:

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436 1006.282 Transition to electronic and digital instructional  
437 material pilot program.-

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

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

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

447 (b) "Digital format" means text-based or image-based  
448 content in a form that provides the student with various  
449 interactive functions; that can be searched, tagged,  
450 distributed, and utilized for individualized or group learning;  
451 that may include multimedia content such as video clips,  
452 animations, or virtual reality; and that has the ability to be  
453 accessed through the district's local instructional improvement  
454 system or a variety of mobile, electronic, or digital devices.

455 (3) A school board may designate pilot schools only if the  
456 school district:

457 (a) Has implemented a learning management system pursuant  
458 to s. 1006.281, which also enables district and school staff to  
459 plan, create, and manage professional development and to connect  
460 professional development with staff information and student  
461 performance; provides ability to seamlessly connect the system  
462 to electronic and digital instructional materials and the  
463 instructional materials to student assessment data; and includes  
464 the minimum standards published by the Department of Education.



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465 (b) Requests only the electronic format of the specimen  
466 copies of instructional materials submitted pursuant to s.  
467 1006.33.

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

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

474 (a) Section 1006.40(2)(a), if the school provides  
475 comprehensive electronic or digital instructional materials to  
476 the students within the pilot school; and

477 (b) Section 1006.37, relating to the requisition of  
478 instructional materials from the publisher's depository.

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

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

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

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

490 (6) By September 1 of each year beginning in 2012, each  
491 school board that has designated a pilot school must provide to  
492 the Department of Education, the Executive Office of the  
493 Governor, and the chairs of the appropriations committees of the

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494 Senate and the House of Representatives a review of the pilot  
495 school which must include, but need not limited be to:

496 (a) Successful practices;

497 (b) Lessons learned;

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

499 (d) Impacts on student performance.

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

503 1011.62 Funds for operation of schools.—If the annual  
504 allocation from the Florida Education Finance Program to each  
505 district for operation of schools is not determined in the  
506 annual appropriations act or the substantive bill implementing  
507 the annual appropriations act, it shall be determined as  
508 follows:

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

513 ~~(j) Coenrollment.—If a high school student wishes to earn~~  
514 ~~high school credits from a community college and enrolls in one~~  
515 ~~or more adult secondary education courses at the community~~  
516 ~~college, the community college shall be reimbursed for the costs~~  
517 ~~incurred because of the high school student's coenrollment as~~  
518 ~~provided in the General Appropriations Act.~~

519 (j) (\*) Instruction in exploratory career education.—  
520 Students in grades 7 through 12 who are enrolled for more than  
521 four semesters in exploratory career education may not be  
522 counted as full-time equivalent students for this instruction.

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

526        (l)~~(m)~~ *Calculation of additional full-time equivalent*  
527 *membership based on International Baccalaureate examination*  
528 *scores of students.*—A value of 0.16 full-time equivalent student  
529 membership shall be calculated for each student enrolled in an  
530 International Baccalaureate course who receives a score of 4 or  
531 higher on a subject examination. A value of 0.3 full-time  
532 equivalent student membership shall be calculated for each  
533 student who receives an International Baccalaureate diploma.  
534 Such value shall be added to the total full-time equivalent  
535 student membership in basic programs for grades 9 through 12 in  
536 the subsequent fiscal year. Each school district shall allocate  
537 80 percent of the funds received from International  
538 Baccalaureate bonus FTE funding to the school program whose  
539 students generate the funds and to school programs that prepare  
540 prospective students to enroll in International Baccalaureate  
541 courses. Funds shall be expended solely for the payment of  
542 allowable costs associated with the International Baccalaureate  
543 program. Allowable costs include International Baccalaureate  
544 annual school fees; International Baccalaureate examination  
545 fees; salary, benefits, and bonuses for teachers and program  
546 coordinators for the International Baccalaureate program and  
547 teachers and coordinators who prepare prospective students for  
548 the International Baccalaureate program; supplemental books;  
549 instructional supplies; instructional equipment or instructional  
550 materials for International Baccalaureate courses; other  
551 activities that identify prospective International Baccalaureate

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552 students or prepare prospective students to enroll in  
553 International Baccalaureate courses; and training or  
554 professional development for International Baccalaureate  
555 teachers. School districts shall allocate the remaining 20  
556 percent of the funds received from International Baccalaureate  
557 bonus FTE funding for programs that assist academically  
558 disadvantaged students to prepare for more rigorous courses. The  
559 school district shall distribute to each classroom teacher who  
560 provided International Baccalaureate instruction:

561 1. A bonus in the amount of \$50 for each student taught by  
562 the International Baccalaureate teacher in each International  
563 Baccalaureate course who receives a score of 4 or higher on the  
564 International Baccalaureate examination.

565 2. An additional bonus of \$500 to each International  
566 Baccalaureate teacher in a school designated with a grade of "D"  
567 or "F" who has at least one student scoring 4 or higher on the  
568 International Baccalaureate examination, regardless of the  
569 number of classes taught or of the number of students scoring a  
570 4 or higher on the International Baccalaureate examination.

571  
572 Bonuses awarded to a teacher according to this paragraph shall  
573 not exceed \$2,000 in any given school year and shall be in  
574 addition to any regular wage or other bonus the teacher received  
575 or is scheduled to receive.

576 (m) ~~(n)~~ *Calculation of additional full-time equivalent*  
577 *membership based on Advanced International Certificate of*  
578 *Education examination scores of students.*—A value of 0.16 full-  
579 time equivalent student membership shall be calculated for each  
580 student enrolled in a full-credit Advanced International

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581 Certificate of Education course who receives a score of E or  
582 higher on a subject examination. A value of 0.08 full-time  
583 equivalent student membership shall be calculated for each  
584 student enrolled in a half-credit Advanced International  
585 Certificate of Education course who receives a score of E or  
586 higher on a subject examination. A value of 0.3 full-time  
587 equivalent student membership shall be calculated for each  
588 student who receives an Advanced International Certificate of  
589 Education diploma. Such value shall be added to the total full-  
590 time equivalent student membership in basic programs for grades  
591 9 through 12 in the subsequent fiscal year. The school district  
592 shall distribute to each classroom teacher who provided Advanced  
593 International Certificate of Education instruction:

594 1. A bonus in the amount of \$50 for each student taught by  
595 the Advanced International Certificate of Education teacher in  
596 each full-credit Advanced International Certificate of Education  
597 course who receives a score of E or higher on the Advanced  
598 International Certificate of Education examination. A bonus in  
599 the amount of \$25 for each student taught by the Advanced  
600 International Certificate of Education teacher in each half-  
601 credit Advanced International Certificate of Education course  
602 who receives a score of E or higher on the Advanced  
603 International Certificate of Education examination.

604 2. An additional bonus of \$500 to each Advanced  
605 International Certificate of Education teacher in a school  
606 designated with a grade of "D" or "F" who has at least one  
607 student scoring E or higher on the full-credit Advanced  
608 International Certificate of Education examination, regardless  
609 of the number of classes taught or of the number of students

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610 scoring an E or higher on the full-credit Advanced International  
611 Certificate of Education examination.

612 3. Additional bonuses of \$250 each to teachers of half-  
613 credit Advanced International Certificate of Education classes  
614 in a school designated with a grade of "D" or "F" which has at  
615 least one student scoring an E or higher on the half-credit  
616 Advanced International Certificate of Education examination in  
617 that class. The maximum additional bonus for a teacher awarded  
618 in accordance with this subparagraph shall not exceed \$500 in  
619 any given school year. Teachers receiving an award under  
620 subparagraph 2. are not eligible for a bonus under this  
621 subparagraph.

622  
623 Bonuses awarded to a teacher according to this paragraph shall  
624 not exceed \$2,000 in any given school year and shall be in  
625 addition to any regular wage or other bonus the teacher received  
626 or is scheduled to receive.

627 (n)~~(e)~~ *Calculation of additional full-time equivalent*  
628 *membership based on college board advanced placement scores of*  
629 *students.*—A value of 0.16 full-time equivalent student  
630 membership shall be calculated for each student in each advanced  
631 placement course who receives a score of 3 or higher on the  
632 College Board Advanced Placement Examination for the prior year  
633 and added to the total full-time equivalent student membership  
634 in basic programs for grades 9 through 12 in the subsequent  
635 fiscal year. Each district must allocate at least 80 percent of  
636 the funds provided to the district for advanced placement  
637 instruction, in accordance with this paragraph, to the high  
638 school that generates the funds. The school district shall

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639 distribute to each classroom teacher who provided advanced  
640 placement instruction:

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

645 2. An additional bonus of \$500 to each Advanced Placement  
646 teacher in a school designated with a grade of "D" or "F" who  
647 has at least one student scoring 3 or higher on the College  
648 Board Advanced Placement Examination, regardless of the number  
649 of classes taught or of the number of students scoring a 3 or  
650 higher on the College Board Advanced Placement Examination.

651  
652 Bonuses awarded to a teacher according to this paragraph shall  
653 not exceed \$2,000 in any given school year and shall be in  
654 addition to any regular wage or other bonus the teacher received  
655 or is scheduled to receive.

656 ~~(o)~~ (p) *Calculation of additional full-time equivalent*  
657 *membership based on certification of successful completion of*  
658 *industry-certified career and professional academy programs*  
659 *pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified*  
660 *in the Industry Certified Funding List pursuant to rules adopted*  
661 *by the State Board of Education.*—A value of 0.1, 0.2, or 0.3  
662 full-time equivalent student membership shall be calculated for  
663 each student who completes an industry-certified career and  
664 professional academy program under ss. 1003.491, 1003.492, and  
665 1003.493 and who is issued the highest level of industry  
666 certification identified annually in the Industry Certification  
667 Funding List approved under rules adopted by the State Board of

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668 Education and a high school diploma. The maximum full-time  
669 equivalent student membership value for any student is 0.3. The  
670 Department of Education shall assign the appropriate full-time  
671 equivalent value for each certification, 50 percent of which is  
672 based on rigor and the remaining 50 percent on employment value.  
673 The State Board of Education shall include the assigned values  
674 in the Industry Certification Funding List under rules adopted  
675 by the state board. Rigor shall be based on the number of  
676 instructional hours, including work experience hours, required  
677 to earn the certification, with a bonus for industry  
678 certifications that have a statewide articulation agreement for  
679 college credit approved by the State Board of Education.  
680 Employment value shall be based on the entry wage, growth rate  
681 in employment for each occupational category, and average annual  
682 openings for the primary occupation linked to the industry  
683 certification. Such value shall be added to the total full-time  
684 equivalent student membership in secondary career education  
685 programs for grades 9 through 12 in the subsequent year for  
686 courses that were not funded through dual enrollment. The  
687 additional full-time equivalent membership authorized under this  
688 paragraph may not exceed 0.3 per student. Each district must  
689 allocate at least 80 percent of the funds provided for industry  
690 certification, in accordance with this paragraph, to the program  
691 that generated the funds. Unless a different amount is specified  
692 in the General Appropriations Act, the appropriation for this  
693 calculation is limited to \$15 million annually. If the  
694 appropriation is insufficient to fully fund the total  
695 calculation, the appropriation shall be prorated.

696 (p) ~~(e)~~ *Calculation of additional full-time equivalent*



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697 *membership for the Florida Virtual School.*—The reported full-  
698 time equivalent student membership for the Florida Virtual  
699 School for students who are also enrolled in a school district  
700 shall be multiplied by 0.114, and such value shall be added to  
701 the total full-time equivalent student membership.

702 (q)~~(r)~~ *Year-round-school programs.*—The Commissioner of  
703 Education is authorized to adjust student eligibility  
704 definitions, funding criteria, and reporting requirements of  
705 statutes and rules in order that year-round-school programs may  
706 achieve equivalent application of funding requirements with non-  
707 year-round-school programs.

708 (r)~~(s)~~ *Extended-school-year program.*—It is the intent of  
709 the Legislature that students be provided additional instruction  
710 by extending the school year to 210 days or more. Districts may  
711 apply to the Commissioner of Education for funds to be used in  
712 planning and implementing an extended-school-year program.

713 (s)~~(t)~~ *Determination of the basic amount for current*  
714 *operation.*—The basic amount for current operation to be included  
715 in the Florida Education Finance Program for kindergarten  
716 through grade 12 for each district shall be the product of the  
717 following:

- 718 1. The full-time equivalent student membership in each  
719 program, multiplied by
- 720 2. The cost factor for each program, adjusted for the  
721 maximum as provided by paragraph (c), multiplied by
- 722 3. The base student allocation.

723 (t)~~(u)~~ *Computation for funding through the Florida*  
724 *Education Finance Program.*—The State Board of Education may  
725 adopt rules establishing programs and courses for which the

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726 student may earn credit toward high school graduation.

727 (6) CATEGORICAL FUNDS.—

728 (b) If a district school board finds and declares in a  
729 resolution adopted at a regular meeting of the school board that  
730 the funds received for any of the following categorical  
731 appropriations are urgently needed to maintain school board  
732 specified academic classroom instruction, the school board may  
733 consider and approve an amendment to the school district  
734 operating budget transferring the identified amount of the  
735 categorical funds to the appropriate account for expenditure:

- 736 1. Funds for student transportation.
- 737 2. Funds for safe schools.
- 738 3. Funds for supplemental academic instruction.
- 739 4. Funds for research-based reading instruction.
- 740 5. Funds for instructional materials if all instructional  
741 material purchases necessary to provide updated materials  
742 aligned to Next Generation Sunshine State Standards and  
743 benchmarks and that meet statutory requirements of content and  
744 learning have been completed for that fiscal year, but no sooner  
745 than March 1, ~~2011~~. Funds available after March 1 may be used to  
746 purchase hardware for student instruction.

747 Section 14. Section 1011.621, Florida Statutes, is created  
748 to read:

749 1011.621 Adjustments for interdistrict transfers of  
750 students in Department of Juvenile Justice detention facilities  
751 within a survey period.—The Department of Education, upon the  
752 request by a school district and verification by the Department  
753 of Juvenile Justice, shall direct a school district that  
754 receives Florida Education Finance Program funds attributed to a

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755 membership survey for children in secure detention care pursuant  
756 to chapter 985 to transfer a pro rata share of the funds to  
757 another district that served the same students during the same  
758 survey period but were unable to report the students for  
759 funding. The amount of the funds transfer shall be based on the  
760 percentage of the survey period in which the students were  
761 served by each district.

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

764 1011.685 Class size reduction; operating categorical fund.—

765 (2) Class size reduction operating categorical funds shall  
766 be used by school districts to reduce class size as required in  
767 s. 1003.03. A school district that meets the maximum class size  
768 requirement may use the funds, ~~or the funds may be used~~ for any  
769 lawful operating expenditure; however, priority shall be given  
770 to increasing salaries of classroom teachers.

771 Section 16. Paragraph (b) of subsection (3) of section  
772 1011.71, Florida Statutes, is amended, and paragraphs (c) and  
773 (d) are added to that subsection, to read:

774 1011.71 District school tax.—

775 (3)

776 (b) In addition to the millage authorized in this section,  
777 each district school board may, by a super majority vote, levy  
778 an additional 0.25 mills for critical capital outlay needs or  
779 for critical operating needs. If levied for capital outlay,  
780 expenditures shall be subject to the requirements of this  
781 section. If levied for operations, expenditures shall be  
782 consistent with the requirements for operating funds received  
783 pursuant to s. 1011.62. If the district levies this additional

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784 0.25 mills for operations, the compression adjustment pursuant  
785 to s. 1011.62(5) shall be calculated and added to the district's  
786 FEEP allocation. Millage levied pursuant to this paragraph is  
787 subject to the provisions of s. 200.065. In order to be  
788 continued after the 2010-2011 fiscal year, millage levied  
789 pursuant to this paragraph must be approved by the voters of the  
790 district at the 2010 general election or at a subsequent  
791 election held at any time, except that not more than one such  
792 election shall be held during any 12-month period. Any millage  
793 so authorized shall be levied for a period not in excess of 2  
794 years or until changed by another millage election, whichever is  
795 earlier. If any such election is invalidated by a court of  
796 competent jurisdiction, such invalidated election shall be  
797 considered not to have been held. The provisions of this  
798 paragraph expire June 30, 2011.

799 (c) Local funds generated by the additional 0.25 mills  
800 authorized in paragraph (b) and state funds provided pursuant to  
801 s. 1011.62(5) may not be included in the calculation of the  
802 Florida Education Finance Program in 2011-2012 or any subsequent  
803 year and may not be incorporated in the calculation of any hold-  
804 harmless or other component of the Florida Education Finance  
805 Program in any year, except as provided in paragraph (d).

806 (d) For the 2011-2012 and 2012-2013 fiscal years, the 0.25  
807 mills authorized in paragraph (b) may be levied by the districts  
808 in which it was authorized by the voters in the 2010 general  
809 election. If a district levies this voter-approved 0.25 mills  
810 for operations, a compression adjustment pursuant to s.  
811 1011.62(5) may be calculated and added to the district's Florida  
812 Education Finance Program allocation, subject to determination

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813 in the General Appropriations Act.

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

816 1012.225 Merit Award Program for Instructional Personnel  
817 and School-Based Administrators.—

818 (8) EXPIRATION.—State funding pursuant to this section  
819 shall be discontinued following payment of awards for the 2010-  
820 2011 fiscal year.

821 Section 18. Section 1013.737, Florida Statutes, is amended  
822 to read:

823 1013.737 The Class Size Reduction and Educational  
824 Facilities Lottery Revenue Bond Program.—There is established  
825 the Class Size Reduction and Educational Facilities Lottery  
826 Revenue Bond Program.

827 (1) The issuance of revenue bonds is authorized to finance  
828 or refinance the construction, acquisition, reconstruction, or  
829 renovation of educational facilities. Such bonds shall be issued  
830 pursuant to and in compliance with the provisions of s. 11(d),  
831 Art. VII of the State Constitution, the provisions of the State  
832 Bond Act, ss. 215.57-215.83, as amended, and the provisions of  
833 this section.

834 (2) The bonds are payable from, and secured by a first lien  
835 on, the first lottery revenues transferred to the Educational  
836 Enhancement Trust Fund each fiscal year, as provided by s.  
837 24.121(2), and do not constitute a general obligation of, or a  
838 pledge of the full faith and credit of, the state.

839 (3) The state hereby covenants with the holders of such  
840 revenue bonds that it will not take any action that will  
841 materially and adversely affect the rights of such holders so

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842 long as bonds authorized by this section are outstanding. The  
843 state does hereby additionally authorize the establishment of a  
844 covenant in connection with the bonds which provides that any  
845 additional funds received by the state from new or enhanced  
846 lottery programs; video gaming; banking card games, including  
847 baccarat, chemin de fer, or blackjack; electronic or  
848 electromechanical facsimiles of any game of chance; casino  
849 games; slot machines; or other similar activities will first be  
850 available for payments relating to bonds pledging revenues  
851 available pursuant to s. 24.121(2), prior to use for any other  
852 purpose.

853 (4) The bonds shall be issued by the Division of Bond  
854 Finance of the State Board of Administration on behalf of the  
855 Department of Education in such amount as shall be requested by  
856 resolution of the State Board of Education. However, the total  
857 principal amount of bonds, excluding refunding bonds, issued  
858 pursuant to this section shall not exceed amounts specifically  
859 authorized in the General Appropriations Act.

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

863 (6) The facilities to be financed with the proceeds of such  
864 bonds are designated as state fixed capital outlay projects for  
865 purposes of s. 11(d), Art. VII of the State Constitution, and  
866 the specific facilities to be financed shall be determined in  
867 accordance with state law and appropriations from the  
868 Educational Enhancement Trust Fund. Projects shall be funded  
869 from the Lottery Capital Outlay and Debt Service Trust Fund.  
870 Each educational facility to be financed with the proceeds of

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871 the bonds issued pursuant to this section is hereby approved as  
872 required by s. 11(f), Art. VII of the State Constitution.

873 (7) Any complaint for validation of such bonds is required  
874 to be filed only in the circuit court of the county where the  
875 seat of state government is situated. The notice required to be  
876 published by s. 75.06 is required to be published only in the  
877 county where the complaint is filed, and the complaint and order  
878 of the circuit court need be served only on the state attorney  
879 of the circuit in which the action is pending.

880 (8) The Commissioner of Education shall provide for timely  
881 encumbrances of funds for duly authorized projects. Encumbrances  
882 may include proceeds to be received under a resolution approved  
883 by the State Board of Education authorizing issuance of class  
884 size reduction lottery bonds or educational facilities bonds  
885 pursuant to s. 11(d), Art. VII of the State Constitution, this  
886 section, and other applicable law.

887 Section 19. Notwithstanding the required review by the  
888 Legislative Budget Commission pursuant to s. 1003.03(4)(c),  
889 Florida Statutes, the Legislature hereby adopts by reference the  
890 alternate compliance calculation amounts to the class size  
891 operating categorical as set forth in Budget Amendment EOG  
892 #02011-0074, as submitted on March 2, 2011, by the Governor on  
893 behalf of the Department of Education for approval by the  
894 Legislative Budget Commission. The Commissioner of Education  
895 shall modify payments to school districts for the 2010-2011  
896 fiscal year consistent with the amendment and s. 1003.03,  
897 Florida Statutes. This section shall take effect upon this act  
898 becoming a law.

899 Section 20. Except as otherwise expressly provided in this

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900 act and except for this section, which shall take effect upon  
901 this act becoming a law, this act shall take effect July 1,  
902 2011.