

PCB PAC 09-01

YEAR

1 A bill to be entitled
 2 An act relating to education funding; amending s. 1001.20,
 3 F.S.; providing additional responsibilities of the Office
 4 of Technology and Information Services in the Office of
 5 the Commissioner of Education; creating s. 1001.271, F.S.;
 6 requiring the commissioner to purchase a portion of
 7 Internet access services for the Florida Information
 8 Resource Network; amending s. 1001.28, F.S.; revising the
 9 Department of Education's duties concerning distance
 10 learning; amending s. 1001.395, F.S.; requiring that the
 11 salary of district school board members be the same as the
 12 annual calculation or the salary of members of the
 13 Legislature, whichever is less, for a specified period;
 14 amending s. 1001.42, F.S.; providing for the operation of
 15 schools for a term of 180 days or the equivalent on an
 16 hourly basis; clarifying provisions authorizing the
 17 payment of earned leave and benefits accrued by a district
 18 school board employee before his or her employment
 19 contract expires; amending s. 1001.451, F.S.; revising
 20 provisions relating to the funding of regional consortium
 21 service organizations; amending s. 1001.47, F.S.;
 22 authorizing elected district school superintendents to
 23 reduce their salary rates on a voluntary basis; requiring
 24 that each elected superintendent's salary be reduced by 5
 25 percent for the 2009-2010 fiscal year; amending s.
 26 1001.50, F.S.; clarifying provisions authorizing payment
 27 of earned leave and benefits accrued by a superintendent
 28 before his or her employment contract terminates; limiting

PCB PAC 09-01

YEAR

29 | the use of compensation in calculating benefits;
 30 | encouraging review and reduction of compensation; amending
 31 | s. 1002.37, F.S.; restricting funds for the Florida
 32 | Virtual School; amending s. 1002.43, F.S.; conforming
 33 | provisions; amending s. 1002.45, F.S.; revising provisions
 34 | relating to the provision of and access to school district
 35 | virtual instruction programs and the providers of such
 36 | programs; amending s. 1002.71, F.S.; revising provisions
 37 | relating to the funding of prekindergarten programs;
 38 | revising requirements for the Voluntary Prekindergarten
 39 | Education Program attendance policy; amending s. 1003.02,
 40 | F.S.; providing for the operation of schools for a term of
 41 | 180 days or the equivalent on an hourly basis; amending s.
 42 | 1003.03, F.S.; extending dates relating to the calculation
 43 | of the number of students for purposes of complying with
 44 | the class size requirements; amending s. 1004.55, F.S.;
 45 | revising provisions relating to the location and service
 46 | area of a regional autism center; amending s. 1006.06,
 47 | F.S.; revising provisions relating to school breakfast
 48 | programs to include state allocations; amending s.
 49 | 1006.28, F.S.; clarifying the definition of the term
 50 | "adequate instructional materials"; amending s. 1006.40,
 51 | F.S.; revising provisions relating to the purchase of
 52 | instructional materials; amending s. 1008.29, F.S.;
 53 | revising provisions relating to the establishment of fees
 54 | for the College-level communications and mathematics
 55 | skills examination; amending s. 1008.41, F.S.; authorizing
 56 | rather than requiring the commissioner to employ the

PCB PAC 09-01

YEAR

57 Florida Information Resource Network for workforce
 58 education data management; amending s. 1010.11, F.S.;
 59 providing for the electronic transfer of funds for certain
 60 payments; amending s. 1011.18, F.S.; providing for the
 61 transfer of funds from depositories for certain payments;
 62 amending s. 1011.60, F.S.; revising the minimum
 63 requirements for the Florida Education Finance Program
 64 relating to the term of operation; providing for 196 days
 65 of service or the equivalent on an hourly basis for
 66 certain school district personnel; amending s. 1011.61,
 67 F.S.; redefining the term "full-time equivalent student";
 68 amending s. 1011.62, F.S.; requiring that a student who is
 69 enrolled in study hall or participates in on-the-job
 70 training may not be included in the calculation of full-
 71 time equivalent student membership for funding purposes;
 72 revising provisions relating to the final calculation of
 73 taxable value for purposes of required local effort;
 74 extending a date relating to categorical funds for
 75 instructional materials; revising the calculation for the
 76 total allocation of state funds to districts for current
 77 operations; repealing s. 1011.69(4)(b), F.S., relating to
 78 funds excluded from allocations under the Equity in
 79 School-Level Funding Act; amending s. 1011.71, F.S.;
 80 reducing the authorized millage levy for capital
 81 improvement; revising provisions that authorize the
 82 expenditure of such millage; waiving the limit for
 83 payments under certain lease-purchase agreements for a
 84 specified period; authorizing waiver of certain equal

PCB PAC 09-01

YEAR

85 | dollar reductions; authorizing district school boards to
 86 | levy additional millage for certain purposes for a
 87 | specified period; providing restrictions and for certain
 88 | calculation; amending s. 1011.73, F.S.; correcting a
 89 | cross-reference; amending s. 1012.33, F.S.; extending the
 90 | period of service for annual contract school personnel
 91 | under certain circumstances; deleting provisions relating
 92 | to the acceptance of certain teacher service; amending s.
 93 | 1012.59, F.S.; revising personnel certification fee
 94 | provisions; amending s. 1012.71, F.S.; authorizing the
 95 | department to conduct a pilot program to determine the
 96 | feasibility of managing the Florida Teachers Lead Program
 97 | through a centralized electronic system; amending s.
 98 | 1012.72, F.S.; providing requirements for bonuses under
 99 | the Dale Hickam Excellent Teaching Program; authorizing
 100 | rules; amending s. 1013.64, F.S.; conforming provisions;
 101 | requiring certain school districts to contribute specified
 102 | millage amounts for special facilities construction
 103 | projects; repealing s. 9 of ch. 2008-142, Laws of Florida;
 104 | abrogating the expiration of certain amendments relating
 105 | to categorical funding for the operation of schools;
 106 | providing for implementation of specified appropriations;
 107 | providing for the incorporation by reference of certain
 108 | calculations used by the Legislature for the 2009-2010
 109 | fiscal year; providing for retroactive operation of
 110 | specified provisions of the act; providing an effective
 111 | date.

PCB PAC 09-01

YEAR

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

114

115 Section 1. Paragraph (a) of subsection (4) of section
116 1001.20, Florida Statutes, is amended to read:

117 1001.20 Department under direction of state board.--

118 (4) The Department of Education shall establish the
119 following offices within the Office of the Commissioner of
120 Education which shall coordinate their activities with all other
121 divisions and offices:

122 (a) Office of Technology and Information
123 Services.--Responsible for developing a systemwide technology
124 plan, making budget recommendations to the commissioner,
125 providing data collection and management for the system,
126 assisting school districts in securing Internet access and
127 telecommunications services, including those eligible for
128 funding under the Schools and Libraries Program of the federal
129 Universal Service Fund, and coordinating services with other
130 state, local, and private agencies. The office shall develop a
131 method to address the need for a statewide approach to planning
132 and operations of library and information services to achieve a
133 single K-20 education system library information portal and a
134 unified higher education library management system. The Florida
135 Virtual School shall be administratively housed within the
136 office.

137 Section 2. Section 1001.271, Florida Statutes, is created
138 to read:

139 1001.271 Florida Information Resource Network.--Upon
140 requisition by school districts, community colleges,

PCB PAC 09-01

YEAR

141 universities, or other eligible users of the Florida Information
 142 Resource Network, the Commissioner of Education shall purchase
 143 the nondiscounted portion of Internet access services,
 144 including, but not limited to, circuits, encryption, content
 145 filtering, support, and any other services needed for the
 146 effective and efficient operation of the network. Each user
 147 shall identify in its requisition the source of funds from which
 148 the commissioner is to make payments.

149 Section 3. Subsection (2) of section 1001.28, Florida
 150 Statutes, is amended to read:

151 1001.28 Distance learning duties.--The duties of the
 152 Department of Education concerning distance learning include,
 153 but are not limited to, the duty to:

154 (2) Coordinate the use of existing resources, including,
 155 but not limited to, the state's satellite transponders ~~on the~~
 156 ~~education satellites, the SUNCOM Network,~~ the Florida
 157 Information Resource Network (FIRN), and the Florida Knowledge
 158 Network ~~the Department of Management Services, the Department of~~
 159 ~~Corrections, and the Department of Children and Family Services'~~
 160 ~~satellite communication facilities to support a statewide~~
 161 ~~advanced telecommunications services and distance learning~~
 162 initiatives ~~network.~~

163
 164 Nothing in this section shall be construed to abrogate,
 165 supersede, alter, or amend the powers and duties of any state
 166 agency, district school board, community college board of
 167 trustees, university board of trustees, the Board of Governors,
 168 or the State Board of Education.

PCB PAC 09-01

YEAR

169 Section 4. Subsection (3) is added to section 1001.395,
 170 Florida Statutes, as amended by chapter 2009-3, Laws of Florida,
 171 to read:

172 1001.395 District school board members; compensation.--
 173 (3) Notwithstanding the provisions of this section and s.
 174 145.19, for the 2009-2010 fiscal year, the salary of each
 175 district school board member shall be the amount calculated
 176 pursuant to subsection (1) or the salary of members of the
 177 Legislature, pursuant to s. 11.13 or any other law, whichever is
 178 less.

179 Section 5. Paragraph (a) of subsection (12) and subsection
 180 (25) of section 1001.42, Florida Statutes, as amended by chapter
 181 2009-3, Laws of Florida, are amended to read:

182 1001.42 Powers and duties of district school board.--The
 183 district school board, acting as a board, shall exercise all
 184 powers and perform all duties listed below:

185 (12) FINANCE.--Take steps to assure students adequate
 186 educational facilities through the financial procedure
 187 authorized in chapters 1010 and 1011 and as prescribed below:

188 (a) Provide for all schools to operate ~~at least~~ 180
 189 days.--Provide for the operation of all public schools, both
 190 elementary and secondary, as free schools for a term of ~~at least~~
 191 180 days or the equivalent on an hourly basis as specified by
 192 rules of the State Board of Education; determine district school
 193 funds necessary in addition to state funds to operate all
 194 schools for such minimum term; and arrange for the levying of
 195 district school taxes necessary to provide the amount needed
 196 from district sources.

PCB PAC 09-01

YEAR

197 (25) EMPLOYMENT CONTRACTS.--~~On or after February 1, 2009,~~
 198 A district school board may not enter into an employment
 199 contract ~~that is funded from state funds and~~ that requires the
 200 district to pay from state funds an employee an amount in excess
 201 of 1 year of the employee's annual salary for termination, buy-
 202 out, or any other type of contract settlement. This subsection
 203 does not prohibit the payment of earned leave and benefits in
 204 accordance with the district's leave and benefits policies which
 205 are accrued by the employee before the contract terminates.

206 Section 6. Paragraph (c) of subsection (2) of section
 207 1001.451, Florida Statutes, is amended to read:

208 1001.451 Regional consortium service organizations.--In
 209 order to provide a full range of programs to larger numbers of
 210 students, minimize duplication of services, and encourage the
 211 development of new programs and services:

212 (2)

213 (c) Notwithstanding paragraph (a), the appropriation ~~for~~
 214 ~~the 2008-2009 fiscal year~~ may be less than \$50,000 per school
 215 district and eligible member. If the amount appropriated is
 216 insufficient to provide \$50,000, the funds available must be
 217 prorated among all eligible districts and members. ~~This~~
 218 ~~paragraph expires July 1, 2009.~~

219 Section 7. Subsections (6) and (7) are added to section
 220 1001.47, Florida Statutes, to read:

221 1001.47 District school superintendent; salary.--

222 (6) Notwithstanding the provisions of this section and s.
 223 145.19, elected district school superintendents may reduce their
 224 salary rates on a voluntary basis.

PCB PAC 09-01

YEAR

225 (7) Notwithstanding the provisions of this section and s.
 226 145.19, for the 2009-2010 fiscal year, the salary of each
 227 elected district school superintendent calculated pursuant to
 228 this section shall be reduced by 5 percent.

229 Section 8. Subsection (2) of section 1001.50, Florida
 230 Statutes, as amended by chapter 2009-3, Laws of Florida, is
 231 amended, and subsections (5) and (6) are added to that section,
 232 to read:

233 1001.50 Superintendents employed under Art. IX of the
 234 State Constitution.--

235 (2) The district school board of each of such districts
 236 shall enter into contracts of employment with the district
 237 school superintendent and shall adopt rules relating to his or
 238 her appointment; however, ~~on or after February 1, 2009,~~ the
 239 district school board may not enter into an employment contract
 240 ~~that is funded from state funds and that requires the district~~
 241 ~~to pay from state funds~~ a superintendent an amount in excess of
 242 1 year of the superintendent's annual salary for termination,
 243 buy-out, or any other type of contract settlement. This
 244 subsection does not prohibit the payment of earned leave and
 245 benefits in accordance with the district's leave and benefits
 246 policies which are accrued by the superintendent before the
 247 contract terminates.

248 (5) Notwithstanding any other law, resolution, or rule to
 249 the contrary, a district school superintendent employed under
 250 this section may not receive more than \$225,000 in remuneration
 251 annually from state funds. "Remuneration" means salary, bonuses,
 252 and cash-equivalent compensation paid to a district school

PCB PAC 09-01

YEAR

253 superintendent by his or her employer for work performed,
 254 excluding health insurance benefits and retirement benefits.
 255 Only compensation, as defined in s. 121.021(22), that is
 256 provided to a superintendent may be used in calculating benefits
 257 under chapter 121.

258 (6) District school boards and district school
 259 superintendents employed pursuant to this section are encouraged
 260 to review the superintendent's annual remuneration for the 2009-
 261 2010 fiscal year and mutually agree to a reduction of at least 5
 262 percent.

263 Section 9. Paragraph (c) of subsection (1) of section
 264 1002.43, Florida Statutes, is amended to read:

265 1002.43 Private tutoring programs.--

266 (1) Regular school attendance as defined in s. 1003.01(13)
 267 may be achieved by attendance in a private tutoring program if
 268 the person tutoring the student meets the following
 269 requirements:

270 (c) Requires students to be in actual attendance for the
 271 ~~minimum~~ length of time prescribed by s. 1011.60(2).

272 Section 10. Paragraph (g) of subsection (3) of section
 273 1002.37, Florida Statutes, is amended to read:

274 1002.37 The Florida Virtual School.--

275 (3) Funding for the Florida Virtual School shall be
 276 provided as follows:

277 (g) The Florida Virtual School shall receive additional
 278 state funds as may be provided in the General Appropriations
 279 Act; however, such funds may not be provided for the purpose of

PCB PAC 09-01

YEAR

280 fulfilling the class size requirements in ss. 1003.03 and
 281 1011.685.

282 Section 11. Subsections (1), (2), (7), and (12) of section
 283 1002.45, Florida Statutes, are amended to read:

284 1002.45 School district virtual instruction programs.--

285 (1) PROGRAM.--

286 (a) Beginning with the 2009-2010 school year, each school
 287 district may ~~shall~~ provide eligible students within its
 288 boundaries the option of participating in a virtual instruction
 289 program. The purpose of the program is to make instruction
 290 available to students using online and distance learning
 291 technology in the nontraditional classroom. The program shall be
 292 ~~provide virtual instruction to~~ full-time for students enrolled
 293 in ~~full-time virtual courses in~~ kindergarten through grade 8 and
 294 ~~or in full-time or part-time~~ for students enrolled virtual
 295 ~~courses~~ in grades 9 through 12 as authorized in paragraph
 296 (7) (c).

297 (b) Each school district's virtual instruction program may
 298 consist of one or more schools that are operated by the district
 299 or by contracted providers approved by the Department of
 300 Education under subsection (2). School districts may participate
 301 in multidistrict contractual arrangements, which may include
 302 contracts executed by a regional consortium for its member
 303 districts, to provide such programs.

304 (c) If a student was enrolled in a K-8 Virtual School
 305 Program under s. 1002.415 for the 2008-2009 school year and the
 306 student resides in a school district that does not offer a
 307 virtual instruction program, the school district must provide

PCB PAC 09-01

YEAR

308 | the student access to a virtual instruction program. ~~A charter~~
 309 | ~~school may enter into a joint agreement with the school district~~
 310 | ~~in which it is located for the charter school's students to~~
 311 | ~~participate in an approved district virtual instruction program.~~

312 | (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
 313 | and annually thereafter, the department shall provide school
 314 | districts with a list of providers approved to offer virtual
 315 | instruction. To be approved by the department, a contract
 316 | provider must annually document that it:

317 | (a) Is nonsectarian in its programs, admission policies,
 318 | employment practices, and operations;

319 | (b) Complies with the antidiscrimination provisions of s.
 320 | 1000.05;

321 | (c) Locates an administrative office or offices in this
 322 | state, requires its administrative staff to be state residents,
 323 | and requires all instructional staff members to be Florida-
 324 | certified teachers;

325 | (d) Possesses prior, successful experience offering online
 326 | courses to elementary, middle, or high school students;

327 | (e) Utilizes an instructional model that relies on the
 328 | parent or instructional coach to provide no more than 15
 329 | ~~certified teachers, not parents, to provide at least 85 percent~~
 330 | of the instruction to the student;

331 | (f) Is accredited by the Southern Association of Colleges
 332 | and Schools Council on Accreditation and School Improvement, the
 333 | North Central Association Commission on Accreditation and School
 334 | Improvement, the Middle States Association of Colleges and
 335 | Schools Commission on Elementary Schools and Commission on

PCB PAC 09-01

YEAR

336 Secondary Schools, the New England Association of Schools and
 337 Colleges, the Northwest Association of Accredited Schools, or
 338 the Western Association of Schools and Colleges ~~the Commission~~
 339 ~~on Colleges of the Southern Association of Colleges and Schools,~~
 340 ~~the Middle States Association of Colleges and Schools, the North~~
 341 ~~Central Association of Colleges and Schools, or the New England~~
 342 ~~Association of Colleges and Schools; and~~

343 (g) Complies with all requirements under this section.

344
 345 Notwithstanding this subsection, approved providers of virtual
 346 instruction shall include the Florida Virtual School established
 347 under s. 1002.37 ~~and providers that operate under s. 1002.415.~~

348 (7) FUNDING.--

349 (a) For purposes of a district virtual instruction
 350 program, "full-time equivalent student" has the same meaning as
 351 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

352 (b) The school district shall report full-time equivalent
 353 students for the school district virtual instruction program ~~and~~
 354 ~~for a charter school's students who participate under paragraph~~
 355 ~~(1)(e) to the department only in a manner prescribed by the~~
 356 ~~department, and funding shall be provided through the Florida~~
 357 ~~Education Finance Program.~~

358 (c) Full-time or part-time school district virtual
 359 instruction program courses provided under this section for
 360 students in grades 9 through 12 are limited to Department of
 361 Juvenile Justice programs, ~~dropout prevention programs, and~~
 362 ~~career and vocational programs.~~

PCB PAC 09-01

YEAR

363 (12) RULES.--The State Board of Education shall adopt
 364 rules necessary to administer this section, including rules that
 365 prescribe school district ~~and charter school~~ reporting
 366 requirements.

367 Section 12. Paragraph (a) of subsection (4) and paragraph
 368 (d) of subsection (6) of section 1002.71, Florida Statutes, as
 369 amended by chapter 2009-3, Laws of Florida, are amended to read:

370 1002.71 Funding; financial and attendance reporting.--

371 (4) Notwithstanding s. 1002.53(3) and subsection (2):

372 (a) A child who, for any of the prekindergarten programs
 373 listed in s. 1002.53(3), has not completed more than 70 ~~10~~
 374 percent of the hours authorized to be reported for funding under
 375 subsection (2) may withdraw from the program for good cause and
 376 reenroll in one of the programs, ~~and be reported for funding~~
 377 ~~purposes as a full-time equivalent student in the program for~~
 378 ~~which the child is reenrolled~~. The total funding for a child who
 379 reenrolls in one of the programs for good cause shall not exceed
 380 one full-time equivalent student. Funding for a child who
 381 withdraws and reenrolls in one of the programs for good cause
 382 shall be issued in accordance with the uniform attendance policy
 383 adopted pursuant to paragraph (6) (d).

384
 385 A child may reenroll only once in a prekindergarten program
 386 under this section. A child who reenrolls in a prekindergarten
 387 program under this subsection may not subsequently withdraw from
 388 the program and reenroll. The Agency for Workforce Innovation
 389 shall establish criteria specifying whether a good cause exists
 390 for a child to withdraw from a program under paragraph (a),

PCB PAC 09-01

YEAR

391 whether a child has substantially completed a program under
 392 paragraph (b), and whether an extreme hardship exists which is
 393 beyond the child's or parent's control under paragraph (b).

394 (6)

395 (d) The Agency for Workforce Innovation shall adopt, for
 396 funding purposes, a uniform attendance policy for the Voluntary
 397 Prekindergarten Education Program. The attendance policy must
 398 apply statewide and apply equally to all private prekindergarten
 399 providers and public schools. The attendance policy must
 400 ~~establish a minimum requirement for student attendance and~~
 401 include at least the following provisions:

402 1. Beginning with the 2009-2010 fiscal year for school-
 403 year programs, a student's attendance may be reported on a pro
 404 rata basis as a fraction of ~~and the 2009 summer program, a~~
 405 ~~student who meets the minimum requirement of 80 percent of the~~
 406 ~~total number of hours for the program may be reported as a full-~~
 407 ~~time equivalent student for funding purposes.~~

408 2. At a maximum, 20 percent of the total payment for each
 409 student made to a private kindergarten provider or public school
 410 may be for hours a student is absent. ~~A student who does not~~
 411 ~~meet the minimum requirement may be reported only as a~~
 412 ~~fractional part of a full-time equivalent student, reduced pro~~
 413 ~~rata based on the student's attendance.~~

414 3. A private prekindergarten provider or public school may
 415 not receive payment for absences that occur before a student's
 416 first day of attendance or after a student's last day of
 417 attendance. ~~A student who does not meet the minimum requirement~~
 418 ~~may be reported as a full-time equivalent student if the student~~

PCB PAC 09-01

YEAR

419 ~~is absent for good cause in accordance with exceptions specified~~
 420 ~~in the uniform attendance policy.~~

421
 422 The uniform attendance policy shall be used only for funding
 423 purposes and does not prohibit a private prekindergarten
 424 provider or public school from adopting and enforcing its
 425 attendance policy under paragraphs (a) and (c).

426 Section 13. Paragraph (g) of subsection (1) of section
 427 1003.02, Florida Statutes, is amended to read:

428 1003.02 District school board operation and control of
 429 public K-12 education within the school district.--As provided
 430 in part II of chapter 1001, district school boards are
 431 constitutionally and statutorily charged with the operation and
 432 control of public K-12 education within their school district.
 433 The district school boards must establish, organize, and operate
 434 their public K-12 schools and educational programs, employees,
 435 and facilities. Their responsibilities include staff
 436 development, public K-12 school student education including
 437 education for exceptional students and students in juvenile
 438 justice programs, special programs, adult education programs,
 439 and career education programs. Additionally, district school
 440 boards must:

441 (1) Provide for the proper accounting for all students of
 442 school age, for the attendance and control of students at
 443 school, and for proper attention to health, safety, and other
 444 matters relating to the welfare of students in the following
 445 fields:

446 (g) School operation.--

PCB PAC 09-01

YEAR

447 1. Provide for the operation of all public schools as free
 448 schools for a term of ~~at least~~ 180 days or the equivalent on an
 449 hourly basis as specified by rules of the State Board of
 450 Education; determine district school funds necessary in addition
 451 to state funds to operate all schools for the ~~minimum~~ term; and
 452 arrange for the levying of district school taxes necessary to
 453 provide the amount needed from district sources.

454 2. Prepare, adopt, and timely submit to the Department of
 455 Education, as required by law and by rules of the State Board of
 456 Education, the annual school budget, so as to promote the
 457 improvement of the district school system.

458 Section 14. Paragraph (b) of subsection (2) of section
 459 1003.03, Florida Statutes, is amended to read:

460 1003.03 Maximum class size.--

461 (2) IMPLEMENTATION.--

462 (b) Determination of the number of students per classroom
 463 in paragraph (a) shall be calculated as follows:

464 1. For fiscal years 2003-2004 through 2005-2006, the
 465 calculation for compliance for each of the 3 grade groupings
 466 shall be the average at the district level.

467 2. For fiscal years 2006-2007 through 2009-2010 ~~2008-2009~~,
 468 the calculation for compliance for each of the 3 grade groupings
 469 shall be the average at the school level.

470 3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the
 471 calculation for compliance shall be at the individual classroom
 472 level.

PCB PAC 09-01

YEAR

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

476 Section 15. Paragraph (a) of subsection (1) of section
 477 1004.55, Florida Statutes, is amended to read:

478 1004.55 Regional autism centers.--

479 (1) Seven regional autism centers are established to
 480 provide nonresidential resource and training services for
 481 persons of all ages and of all levels of intellectual
 482 functioning who have autism, as defined in s. 393.063; who have
 483 a pervasive developmental disorder that is not otherwise
 484 specified; who have an autistic-like disability; who have a dual
 485 sensory impairment; or who have a sensory impairment with other
 486 handicapping conditions. Each center shall be operationally and
 487 fiscally independent and shall provide services within its
 488 geographical region of the state. Service delivery shall be
 489 consistent for all centers. Each center shall coordinate
 490 services within and between state and local agencies and school
 491 districts but may not duplicate services provided by those
 492 agencies or school districts. The respective locations and
 493 service areas of the centers are:

494 (a) The College of Medicine ~~Department of Communication~~
 495 ~~Disorders~~ at Florida State University, which serves Bay,
 496 Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson,
 497 Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor,
 498 Wakulla, Walton, and Washington Counties.

499 Section 16. Paragraph (b) of subsection (5) of section
 500 1006.06, Florida Statutes, is amended to read:

PCB PAC 09-01

YEAR

501 1006.06 School food service programs.--

502 (5)

503 (b) Beginning with the 2009-2010 school year, each school
 504 district must annually set prices for breakfast meals at rates
 505 that, combined with federal reimbursements and state
 506 allocations, are sufficient to defray costs of school breakfast
 507 programs without requiring allocations from the district's
 508 operating funds, except if the district school board approves
 509 lower rates.

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

512 1006.28 Duties of district school board, district school
 513 superintendent; and school principal regarding K-12
 514 instructional materials.--

515 (1) DISTRICT SCHOOL BOARD.--The district school board has
 516 the duty to provide adequate instructional materials for all
 517 students in accordance with the requirements of this part. The
 518 term "adequate instructional materials" means a sufficient
 519 number of textbooks or sets of materials that are available in
 520 bound, unbound, kit, or package form and may consist of
 521 hardbacked or softbacked textbooks, consumables, learning
 522 laboratories, manipulatives, electronic media, and computer
 523 courseware or software that serve ~~serve~~ as the basis for
 524 instruction for each student in the core courses of mathematics,
 525 language arts, social studies, science, reading, and literature,
 526 except for instruction for which the school advisory council
 527 approves the use of a program that does not include a textbook

PCB PAC 09-01

YEAR

528 as a major tool of instruction. The district school board has
 529 the following specific duties:

530 (a) Courses of study; adoption.--Adopt courses of study
 531 for use in the schools of the district.

532 (b) Textbooks.--Provide for proper requisitioning,
 533 distribution, accounting, storage, care, and use of all
 534 instructional materials furnished by the state and furnish such
 535 other instructional materials as may be needed. The district
 536 school board shall assure that instructional materials used in
 537 the district are consistent with the district goals and
 538 objectives and the curriculum frameworks adopted by rule of the
 539 State Board of Education, as well as with the state and district
 540 performance standards provided for in s. 1001.03(1).

541 (c) Other instructional materials.--Provide such other
 542 teaching accessories and aids as are needed for the school
 543 district's educational program.

544 (d) School library media services; establishment and
 545 maintenance.--Establish and maintain a program of school library
 546 media services for all public schools in the district, including
 547 school library media centers, or school library media centers
 548 open to the public, and, in addition such traveling or
 549 circulating libraries as may be needed for the proper operation
 550 of the district school system.

551 Section 18. Subsection (4) of section 1006.40, Florida
 552 Statutes, is amended to read:

553 1006.40 Use of instructional materials allocation;
 554 instructional materials, library books, and reference books;
 555 repair of books.--

PCB PAC 09-01

YEAR

556 (4) The funds described in subsection (3) which district
 557 school boards may use to purchase materials not on the state-
 558 adopted list shall be used for the purchase of instructional
 559 materials or other items having intellectual content which
 560 assist in the instruction of a subject or course. These items
 561 may be available in bound, unbound, kit, or package form and may
 562 consist of hardbacked or softbacked textbooks, replacements for
 563 items which were part of previously purchased instructional
 564 materials, consumables, learning laboratories, manipulatives,
 565 electronic media, computer courseware or software, and other
 566 commonly accepted instructional tools as prescribed by district
 567 school board rule. The funds available to district school boards
 568 for the purchase of materials not on the state-adopted list may
 569 not be used to purchase electronic or computer hardware unless
 570 ~~even if~~ such hardware is bundled with other instructional
 571 materials such as textbooks, software, or other electronic
 572 media, nor may such funds be used to purchase equipment or
 573 supplies. However, when authorized to do so in the General
 574 Appropriations Act, a school or district school board may use a
 575 portion of the funds available to it for the purchase of
 576 materials not on the state-adopted list to purchase science
 577 laboratory materials and supplies.

578 Section 19. Subsections (7) and (8) of section 1008.29,
 579 Florida Statutes, are amended to read:

580 1008.29 College-level communication and mathematics skills
 581 examination (CLAST).--

582 (7) The State Board of Education shall collaborate with
 583 the Board of Governors to establish rules instituting uniform

PCB PAC 09-01

YEAR

584 fees for all students, including private postsecondary students,
 585 who take the CLAST. The fees shall be sufficient to cover the
 586 actual cost of developing and administering the examination, ~~by~~
 587 ~~rule, shall establish fees for the administration of the~~
 588 ~~examination to private postsecondary students.~~

589 ~~(8) (a) The State Board of Education, by rule, shall~~
 590 ~~establish fees for the administration of the examination by~~
 591 ~~community colleges at times other than regularly scheduled dates~~
 592 ~~to accommodate examinees who are unable to be tested on those~~
 593 ~~dates. The state board shall establish the conditions under~~
 594 ~~which examinees may be admitted to the special administrations.~~

595 ~~(b)~~ The Board of Governors may establish fees for the
 596 administration of the examination by state universities at times
 597 other than regularly scheduled dates to accommodate examinees
 598 who are unable to be tested on those dates. The Board of
 599 Governors may establish the conditions under which examinees may
 600 be admitted to the special administrations.

601 Section 20. Paragraph (c) of subsection (1) of section
 602 1008.41, Florida Statutes, is amended to read:

603 1008.41 Workforce education; management information
 604 system.--

605 (1) The Commissioner of Education shall coordinate uniform
 606 program structures, common definitions, and uniform management
 607 information systems for workforce education for all divisions
 608 within the department. In performing these functions, the
 609 commissioner shall designate deadlines after which data elements
 610 may not be changed for the coming fiscal or school year. School
 611 districts and community colleges shall be notified of data

PCB PAC 09-01

YEAR

612 element changes at least 90 days prior to the start of the
 613 subsequent fiscal or school year. Such systems must provide for:

614 (c) Maximum use of automated technology and records in
 615 existing databases and data systems. To the extent feasible, the
 616 Florida Information Resource Network may ~~shall~~ be employed for
 617 this purpose.

618 Section 21. Section 1010.11, Florida Statutes, is amended
 619 to read:

620 1010.11 Electronic transfer of funds.--Pursuant to the
 621 provisions of s. 215.85, each district school board, community
 622 college board of trustees, and university board of trustees
 623 shall adopt written policies prescribing the accounting and
 624 control procedures under which any funds under their control are
 625 allowed to be moved by electronic transaction for any purpose
 626 including direct deposit, wire transfer, withdrawal, ~~or~~
 627 investment, or payment. Electronic transactions shall comply
 628 with the provisions of chapter 668.

629 Section 22. Subsection (4) of section 1011.18, Florida
 630 Statutes, is amended to read:

631 1011.18 School depositories; payments into and withdrawals
 632 from depositories.--

633 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money drawn
 634 from any district school depository holding same as prescribed
 635 herein shall be upon a check or warrant drawn on authority of
 636 the district school board as prescribed by law. Each check or
 637 warrant shall be signed by the chair or, in his or her absence,
 638 the vice chair of the district school board and countersigned by
 639 the district school superintendent, with corporate seal of the

PCB PAC 09-01

YEAR

640 school board affixed. However, as a matter of convenience, the
 641 corporate seal of the district school board may be printed upon
 642 the warrant and a proper record of such warrant shall be
 643 maintained. The district school board may by resolution, a copy
 644 of which must be delivered to the depository, provide for
 645 internal funds to be withdrawn from any district depository by a
 646 check duly signed by at least two bonded school employees
 647 designated by the board to be responsible for administering such
 648 funds. However, the district school superintendent or his or her
 649 designee, after having been by resolution specifically
 650 authorized by the district school board, may transfer funds from
 651 one depository to another, within a depository, to another
 652 institution, or from another institution to a depository for
 653 investment purposes and may transfer funds to pay expenses,
 654 expenditures, or other disbursements that must be evidenced by
 655 an invoice or other appropriate documentation in a similar
 656 manner ~~when the transfer does not represent an expenditure,~~
 657 ~~advance, or reduction of cash assets.~~ Such transfer may be made
 658 by electronic, telephonic, or other medium; and each transfer
 659 shall be confirmed in writing and signed by the district school
 660 superintendent or his or her designee.

661 Section 23. Subsection (2) and paragraphs (d) and (f) of
 662 subsection (3) of section 1011.60, Florida Statutes, are amended
 663 to read:

664 1011.60 Minimum requirements of the Florida Education
 665 Finance Program.--Each district which participates in the state
 666 appropriations for the Florida Education Finance Program shall
 667 provide evidence of its effort to maintain an adequate school

PCB PAC 09-01

YEAR

668 program throughout the district and shall meet at least the
 669 following requirements:

670 (2) ~~MINIMUM~~ TERM.--Operate all schools for a term of ~~at~~
 671 ~~least~~ 180 actual teaching days or the equivalent on an hourly
 672 basis as specified by rules of the State Board of Education each
 673 school year. The State Board of Education may prescribe
 674 procedures for altering, and, upon written application, may
 675 alter, this requirement during a national, state, or local
 676 emergency as it may apply to an individual school or schools in
 677 any district or districts if, in the opinion of the board, it is
 678 not feasible to make up lost days or hours, and the
 679 apportionment may, at the discretion of the Commissioner of
 680 Education and if the board determines that the reduction of
 681 school days or hours is caused by the existence of a bona fide
 682 emergency, be reduced for such district or districts in
 683 proportion to the decrease in the length of term in any such
 684 school or schools. A strike, as defined in s. 447.203(6), by
 685 employees of the school district may not be considered an
 686 emergency.

687 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
 688 appointment, promotion, transfer, suspension, and dismissal of
 689 personnel.

690 (d) District school boards may authorize a maximum of six
 691 paid legal holidays which shall apply to the 196 days of service
 692 or the equivalent on an hourly basis.

693 (f) Such rules must require 12 calendar months of service
 694 for such principals as prescribed by rules of the State Board of
 695 Education and must require 10 months to include not less than

PCB PAC 09-01

YEAR

696 | 196 days of service or the equivalent on an hourly basis,
 697 | excluding Sundays and other holidays, for all members of the
 698 | instructional staff, with any such service on a 12-month basis
 699 | to include reasonable allowance for vacation or further study as
 700 | prescribed by the school board in accordance with rules of the
 701 | State Board of Education.

702 | Section 24. Paragraph (c) of subsection (1) of section
 703 | 1011.61, Florida Statutes, is amended to read:

704 | 1011.61 Definitions.--Notwithstanding the provisions of s.
 705 | 1000.21, the following terms are defined as follows for the
 706 | purposes of the Florida Education Finance Program:

707 | (1) A "full-time equivalent student" in each program of
 708 | the district is defined in terms of full-time students and part-
 709 | time students as follows:

710 | (c)1. A "full-time equivalent student" is:

711 | a. A full-time student in any one of the programs listed
 712 | in s. 1011.62(1)(c); or

713 | b. A combination of full-time or part-time students in any
 714 | one of the programs listed in s. 1011.62(1)(c) which is the
 715 | equivalent of one full-time student based on the following
 716 | calculations:

717 | (I) A full-time student, except a postsecondary or adult
 718 | student or a senior high school student enrolled in adult
 719 | education when such courses are required for high school
 720 | graduation, in a combination of programs listed in s.
 721 | 1011.62(1)(c) shall be a fraction of a full-time equivalent
 722 | membership in each special program equal to the number of net
 723 | hours per school year for which he or she is a member, divided

PCB PAC 09-01

YEAR

724 by the appropriate number of hours set forth in subparagraph
 725 (a)1. or subparagraph (a)2. The difference between that fraction
 726 or sum of fractions and the maximum value as set forth in
 727 subsection (4) for each full-time student is presumed to be the
 728 balance of the student's time not spent in such special
 729 education programs and shall be recorded as time in the
 730 appropriate basic program.

731 (II) A prekindergarten handicapped student shall meet the
 732 requirements specified for kindergarten students.

733 (III) A full-time equivalent student for students in
 734 grades K-8 in a school district virtual instruction program as
 735 provided in s. 1002.45 shall consist of a student who has
 736 successfully completed a basic program listed in s.
 737 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
 738 level by August 31 of each year. The maximum value for funding a
 739 student in a virtual instruction program is subject to
 740 subsection (4).

741 (IV) A full-time equivalent student for students in grades
 742 9-12 in a school district virtual instruction program as
 743 provided in s. 1002.45 shall consist of six full credit
 744 completions in programs listed in s. 1011.62(1)(c)1. and 3. ~~4.~~
 745 Credit completions can be a combination of either full credits
 746 or half credits.

747 (V) A Florida Virtual School full-time equivalent student
 748 shall consist of six full credit completions in the programs
 749 listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the
 750 programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12

PCB PAC 09-01

YEAR

751 ~~s. 1011.62(1)(e)1. and 4.~~ Credit completions can be a
 752 combination of either full credits or half credits.

753 (VI) Each successfully completed credit earned under the
 754 alternative high school course credit requirements authorized in
 755 s. 1002.375, which is not reported as a portion of the 900 net
 756 hours of instruction pursuant to subparagraph (1)(a)1., shall be
 757 calculated as 1/6 FTE.

758 2. A student in membership in a program scheduled for more
 759 or less than 180 school days or the equivalent on an hourly
 760 basis is a fraction of a full-time equivalent membership equal
 761 to the number of instructional hours in membership divided by
 762 the appropriate number of hours set forth in subparagraph (a)1.;
 763 however, for the purposes of this subparagraph, membership in
 764 programs scheduled for more than 180 days or the equivalent on
 765 an hourly basis is limited to students enrolled in juvenile
 766 justice education programs, ~~and~~ the Florida Virtual School, and
 767 a school district virtual instruction program.

768
 769 The department shall determine and implement an equitable method
 770 of equivalent funding for experimental schools and for schools
 771 operating under emergency conditions, which schools have been
 772 approved by the department to operate for less than the minimum
 773 school day.

774 Section 25. Paragraphs (l) through (t) of subsection (1)
 775 of section 1011.62, Florida Statutes, are redesignated as
 776 paragraphs (n) through (v), respectively, and new paragraphs (l)
 777 and (m) are added to that subsection, and paragraph (b) of

PCB PAC 09-01

YEAR

778 subsection (4), paragraph (b) of subsection (6), and paragraph
 779 (a) of subsection (12) of that section are amended, to read:

780 1011.62 Funds for operation of schools.--If the annual
 781 allocation from the Florida Education Finance Program to each
 782 district for operation of schools is not determined in the
 783 annual appropriations act or the substantive bill implementing
 784 the annual appropriations act, it shall be determined as
 785 follows:

786 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 787 OPERATION.--The following procedure shall be followed in
 788 determining the annual allocation to each district for
 789 operation:

790 (1) Study hall.--A student who is enrolled in study hall
 791 may not be included in the calculation of full-time equivalent
 792 student membership for funding under this section.

793 (m) On-the-job training.--A student who participates in
 794 on-the-job training, excluding classroom instruction, may not be
 795 included in the calculation of full-time equivalent student
 796 membership for funding under this section.

797 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
 798 Legislature shall prescribe the aggregate required local effort
 799 for all school districts collectively as an item in the General
 800 Appropriations Act for each fiscal year. The amount that each
 801 district shall provide annually toward the cost of the Florida
 802 Education Finance Program for kindergarten through grade 12
 803 programs shall be calculated as follows:

804 (b) Final calculation.--

PCB PAC 09-01

YEAR

805 1. The taxable value for school purposes certified by the
 806 Department of Revenue which is used in the fourth calculation
 807 with the annualized full-time student membership from the
 808 February student survey shall be the final taxable value used in
 809 the final calculation.

810 2. For purposes of this paragraph, the final taxable value
 811 for school purposes shall be the taxable value for school
 812 purposes on which the tax bills are computed and mailed to the
 813 taxpayers, adjusted to reflect final administrative actions of
 814 value adjustment boards and judicial decisions pursuant to
 815 chapter 194. For each county that has not submitted a revised
 816 tax roll reflecting final value adjustment board actions and
 817 final judicial decisions, the Department of Revenue shall
 818 certify ~~the most recent revision of~~ the taxable value for school
 819 purposes on which the tax bills are computed and mailed to
 820 taxpayers, adjusted by the average percentage difference, over
 821 the most recent 3 years for which the information is available,
 822 between the taxable value for school purposes on which the tax
 823 bills are computed and the taxable value for school purposes on
 824 which the tax bills are computed as adjusted to reflect final
 825 administrative actions of value adjustment board and judicial
 826 decisions pursuant to chapter 194.

827 3. The value certified under subparagraph 1. shall be the
 828 final taxable value for school purposes for that year, and no
 829 further adjustments shall be made, except those made pursuant to
 830 paragraph (12) (b) .

831 (6) CATEGORICAL FUNDS.--

PCB PAC 09-01

YEAR

832 (b) If a district school board finds and declares in a
 833 resolution adopted at a regular meeting of the school board that
 834 the funds received for any of the following categorical
 835 appropriations are urgently needed to maintain school board
 836 specified academic classroom instruction, the school board may
 837 consider and approve an amendment to the school district
 838 operating budget transferring the identified amount of the
 839 categorical funds to the appropriate account for expenditure:

- 840 1. Funds for student transportation.
- 841 2. Funds for safe schools.
- 842 3. Funds for supplemental academic instruction.
- 843 4. Funds for research-based reading instruction.
- 844 5. Funds for instructional materials if all instructional
 845 material purchases have been completed for that fiscal year, but
 846 no sooner than March 1, 2010 ~~2009~~.

847 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 848 CURRENT OPERATION.--The total annual state allocation to each
 849 district for current operation for the FEFP shall be distributed
 850 periodically in the manner prescribed in the General
 851 Appropriations Act.

852 (a) The basic amount for current operation for the FEFP as
 853 determined in subsection (1), multiplied by the district cost
 854 differential factor as determined in subsection (2), plus the
 855 amounts provided for categorical components within the FEFP,
 856 plus the discretionary millage compression supplement as
 857 determined in subsection (5), the amount for the sparsity
 858 supplement as determined in subsection (7), the decline in full-
 859 time equivalent students as determined in subsection (8), the

PCB PAC 09-01

YEAR

860 research-based reading instruction allocation as determined in
 861 subsection (9), the allocation for juvenile justice education
 862 programs as determined in subsection (10), the quality assurance
 863 guarantee as determined in subsection (11), the allocation for
 864 instructional materials as determined in s. 1011.67, the
 865 allocation for student transportation as determined in s.
 866 1011.68, and the allocation for the Florida Teachers Lead
 867 Program as determined in s. 1012.71, less the required local
 868 effort as determined in subsection (4). If the funds
 869 appropriated for the purpose of funding the total amount for
 870 current operation as provided in this paragraph are not
 871 sufficient to pay the state requirement in full, the department
 872 shall prorate the available state funds to each district in the
 873 following manner:

874 1. Determine the percentage of proration by dividing the
 875 sum of the total amount for current operation, as provided in
 876 this paragraph for all districts collectively, and the total
 877 district required local effort into the sum of the state funds
 878 available for current operation and the total district required
 879 local effort.

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

883 3. From the product of such multiplication, subtract the
 884 required local effort of each district; and the remainder shall
 885 be the amount of state funds allocated to the district for
 886 current operation.

PCB PAC 09-01

YEAR

887 Section 26. Paragraph (b) of subsection (4) of section
 888 1011.69, Florida Statutes, is repealed.

889 Section 27. Section 1011.71, Florida Statutes, as amended
 890 by chapter 2009-3, Laws of Florida, is amended to read:

891 1011.71 District school tax.--

892 (1) If the district school tax is not provided in the
 893 General Appropriations Act or the substantive bill implementing
 894 the General Appropriations Act, each district school board
 895 desiring to participate in the state allocation of funds for
 896 current operation as prescribed by s. 1011.62(12) shall levy on
 897 the taxable value for school purposes of the district, exclusive
 898 of millage voted under the provisions of s. 9(b) or s. 12, Art.
 899 VII of the State Constitution, a millage rate not to exceed the
 900 amount certified by the commissioner as the minimum millage rate
 901 necessary to provide the district required local effort for the
 902 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
 903 required local effort millage levy, each district school board
 904 may levy a nonvoted current operating discretionary millage. The
 905 Legislature shall prescribe annually in the appropriations act
 906 the maximum amount of millage a district may levy.

907 (2) In addition to the maximum millage levy as provided in
 908 subsection (1), each school board may levy not more than 1.5
 909 ~~1.75~~ mills against the taxable value for school purposes for
 910 district schools, including charter schools at the discretion of
 911 the school board, to fund:

912 (a) New construction and remodeling projects, as set forth
 913 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 914 educational plant survey pursuant to s. 1013.31, without regard

PCB PAC 09-01

YEAR

915 to prioritization, sites and site improvement or expansion to
 916 new sites, existing sites, auxiliary facilities, athletic
 917 facilities, or ancillary facilities.

918 (b) Maintenance, renovation, and repair of existing school
 919 plants or of leased facilities to correct deficiencies pursuant
 920 to s. 1013.15(2).

921 (c) The purchase, lease-purchase, or lease of school
 922 buses.

923 (d) Effective July 1, 2008, the purchase, lease-purchase,
 924 or lease of new and replacement equipment, and enterprise
 925 resource software applications that are classified as capital
 926 assets in accordance with definitions of the Governmental
 927 Accounting Standards Board, have a useful life of at least 5
 928 years, and are used to support districtwide administration or
 929 state-mandated reporting requirements.

930 (e) Payments for educational facilities and sites due
 931 under a lease-purchase agreement entered into by a district
 932 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 933 exceeding, in the aggregate, an amount equal to three-fourths of
 934 the proceeds from the millage levied by a district school board
 935 pursuant to this subsection. For the 2009-2010 fiscal year, the
 936 three-fourths limit is waived for lease-purchase agreements
 937 entered into before June 30, 2009, by a district school board
 938 pursuant to this paragraph.

939 (f) Payment of loans approved pursuant to ss. 1011.14 and
 940 1011.15.

PCB PAC 09-01

YEAR

941 (g) Payment of costs directly related to complying with
 942 state and federal environmental statutes, rules, and regulations
 943 governing school facilities.

944 (h) Payment of costs of leasing relocatable educational
 945 facilities, of renting or leasing educational facilities and
 946 sites pursuant to s. 1013.15(2), or of renting or leasing
 947 buildings or space within existing buildings pursuant to s.
 948 1013.15(4).

949 (i) Payment of the cost of school buses when a school
 950 district contracts with a private entity to provide student
 951 transportation services if the district meets the requirements
 952 of this paragraph.

953 1. The district's contract must require that the private
 954 entity purchase, lease-purchase, or lease, and operate and
 955 maintain, one or more school buses of a specific type and size
 956 that meet the requirements of s. 1006.25.

957 2. Each such school bus must be used for the daily
 958 transportation of public school students in the manner required
 959 by the school district.

960 3. Annual payment for each such school bus may not exceed
 961 10 percent of the purchase price of the state pool bid.

962 4. The proposed expenditure of the funds for this purpose
 963 must have been included in the district school board's notice of
 964 proposed tax for school capital outlay as provided in s.
 965 200.065(10).

966 (j) Payment of the cost of the opening day collection for
 967 the library media center of a new school.

PCB PAC 09-01

YEAR

968 (k) Payment of the cost of premiums for property and
 969 casualty insurance necessary to insure school district
 970 educational and ancillary plants as required by ss.
 971 1001.42(11)(d) and 1001.51(11)(k).

972 (l) The purchase, lease-purchase, or lease of driver's
 973 education vehicles; motor vehicles used for the maintenance or
 974 operation of plants and equipment; security vehicles; or
 975 vehicles used in storing or distributing materials and
 976 equipment.

977 (3) If the revenue from the millage authorized in
 978 subsection (2) is insufficient to make payments due under a
 979 lease-purchase agreement entered into prior to June 30, 2008, by
 980 a district school board pursuant to paragraph (2)(e), an amount
 981 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
 982 within the school district shall be legally available for such
 983 payments, notwithstanding other restrictions on the use of such
 984 revenues imposed by law.

985 ~~(4) Effective July 1, 2008, and through June 30, 2010, a~~
 986 ~~school district may expend, subject to the provisions of s.~~
 987 ~~200.065, up to \$100 per unweighted full-time equivalent student~~
 988 ~~from the revenue generated by the millage levy authorized by~~
 989 ~~subsection (2) to fund, in addition to expenditures authorized~~
 990 ~~in paragraphs (2)(a)-(j), expenses for the following:~~

991 ~~(a) The purchase, lease-purchase, or lease of driver's~~
 992 ~~education vehicles; motor vehicles used for the maintenance or~~
 993 ~~operation of plants and equipment; security vehicles; or~~
 994 ~~vehicles used in storing or distributing materials and~~
 995 ~~equipment.~~

PCB PAC 09-01

YEAR

996 ~~(b) Payment of the cost of premiums for property and~~
 997 ~~casualty insurance necessary to insure school district~~
 998 ~~educational and ancillary plants. Operating revenues that are~~
 999 ~~made available through the payment of property and casualty~~
 1000 ~~insurance premiums from revenues generated under this subsection~~
 1001 ~~may be expended only for nonrecurring operational expenditures~~
 1002 ~~of the school district.~~

1003 ~~(4)-(5)~~ Violations of the expenditure provisions in
 1004 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar
 1005 reduction in the Florida Education Finance Program (FEFP) funds
 1006 for the violating district in the fiscal year following the
 1007 audit citation. If the Commissioner of Education determines that
 1008 a school district acted in good faith, he or she may waive the
 1009 equal dollar reduction for audit findings for the 2006-2007 or
 1010 2007-2008 fiscal year that were related to the purchase of
 1011 software.

1012 ~~(5)-(6)~~ These taxes shall be certified, assessed, and
 1013 collected as prescribed in s. 1011.04 and shall be expended as
 1014 provided by law.

1015 ~~(6)-(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
 1016 construed to increase the maximum school millage levies as
 1017 provided for in subsection (1).

1018 ~~(7)-(8)~~ In addition to the maximum millage levied under
 1019 this section and the General Appropriations Act, a school
 1020 district may levy, by local referendum or in a general election,
 1021 additional millage for school operational purposes up to an
 1022 amount that, when combined with nonvoted millage levied under
 1023 this section, does not exceed the 10-mill limit established in

PCB PAC 09-01

YEAR

1024 s. 9(b), Art. VII of the State Constitution. Any such levy shall
 1025 be for a maximum of 4 years and shall be counted as part of the
 1026 10-mill limit established in s. 9(b), Art. VII of the State
 1027 Constitution. Millage elections conducted under the authority
 1028 granted pursuant to this section are subject to s. 1011.73.
 1029 Funds generated by such additional millage do not become a part
 1030 of the calculation of the Florida Education Finance Program
 1031 total potential funds in 2001-2002 or any subsequent year and
 1032 must not be incorporated in the calculation of any hold-harmless
 1033 or other component of the Florida Education Finance Program
 1034 formula in any year. If an increase in required local effort,
 1035 when added to existing millage levied under the 10-mill limit,
 1036 would result in a combined millage in excess of the 10-mill
 1037 limit, any millage levied pursuant to this subsection shall be
 1038 considered to be required local effort to the extent that the
 1039 district millage would otherwise exceed the 10-mill limit.

1040 (8) Notwithstanding subsection (2), for the 2009-2010
 1041 fiscal year, if the revenue from 1.5 mills is insufficient to
 1042 meet the payments due under a lease-purchase agreement entered
 1043 into before June 30, 2009, by a district school board pursuant
 1044 to paragraph (2)(e), or to meet other critical district fixed
 1045 capital outlay needs, the board, in addition to the 1.5 mills,
 1046 may levy up to 0.25 mills for fixed capital outlay in lieu of
 1047 levying an equivalent amount of the discretionary mills for
 1048 operations as provided in the General Appropriations Act for
 1049 2009-2010. Millage levied pursuant to this subsection is subject
 1050 to the provisions of s. 200.065 and, combined with the 1.5 mills
 1051 authorized in subsection (2), may not exceed 1.75 mills. If the

PCB PAC 09-01

YEAR

1052 district chooses to use up to 0.25 mills for fixed capital
 1053 outlay, the discretionary millage compression supplement
 1054 pursuant to s. 1011.62(5) shall be calculated for the standard
 1055 discretionary millage that is not eligible for transfer to
 1056 capital outlay.

1057 Section 28. Subsection (2) of section 1011.73, Florida
 1058 Statutes, is amended to read:

1059 1011.73 District millage elections.--

1060 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
 1061 district school board, pursuant to resolution adopted at a
 1062 regular meeting, shall direct the county commissioners to call
 1063 an election at which the electors within the school district may
 1064 approve an ad valorem tax millage as authorized under s.
 1065 1011.71 (7) ~~(8)~~. Such election may be held at any time, except
 1066 that not more than one such election shall be held during any
 1067 12-month period. Any millage so authorized shall be levied for a
 1068 period not in excess of 4 years or until changed by another
 1069 millage election, whichever is earlier. If any such election is
 1070 invalidated by a court of competent jurisdiction, such
 1071 invalidated election shall be considered not to have been held.

1072 Section 29. Paragraph (g) of subsection (3) of section
 1073 1012.33, Florida Statutes, is amended to read:

1074 1012.33 Contracts with instructional staff, supervisors,
 1075 and school principals.--

1076 (3)

1077 (g) For contracts in the 2009-2010 or 2010-2011 fiscal
 1078 year, the period of service provided in this section may be
 1079 extended by 1 year for an annual contract employee in the

PCB PAC 09-01

YEAR

1080 district who has at least 3 years of service when prescribed by
 1081 the district school board based upon extraordinary financial
 1082 circumstances in the district. Beginning July 1, 2001, for each
 1083 ~~employee who enters into a written contract, pursuant to this~~
 1084 ~~section, in a school district in which the employee was not~~
 1085 ~~employed as of June 30, 2001, or was employed as of June 30,~~
 1086 ~~2001, but has since broken employment with that district for 1~~
 1087 ~~school year or more, for purposes of pay, a district school~~
 1088 ~~board must recognize and accept each year of full-time public~~
 1089 ~~school teaching service earned in the State of Florida or~~
 1090 ~~outside the state and for which the employee received a~~
 1091 ~~satisfactory performance evaluation. Instructional personnel~~
 1092 ~~employed pursuant to s. 121.091(9)(b)3. are exempt from the~~
 1093 ~~provisions of this paragraph.~~

1094 Section 30. Subsection (1) of section 1012.59, Florida
 1095 Statutes, is amended to read:

1096 1012.59 Certification fees.--

1097 (1) The State Board of Education, by rule, shall establish
 1098 separate fees for applications, examinations, certification,
 1099 certification renewal, late renewal, recordmaking, and
 1100 recordkeeping, and may establish procedures for scheduling and
 1101 administering an examination upon an applicant's request. Each
 1102 fee shall be based on department estimates of the revenue
 1103 required to implement the provisions of law with respect to
 1104 certification of school personnel. The application fee shall be
 1105 nonrefundable. Each examination fee shall be sufficient to cover
 1106 the actual cost of developing and administering the examination,
 1107 ~~but shall not exceed \$100 for an examination.~~

PCB PAC 09-01

YEAR

1108 Section 31. Subsection (6) is added to section 1012.71,
 1109 Florida Statutes, to read:
 1110 1012.71 The Florida Teachers Lead Program.--
 1111 (6) For the 2009-2010 fiscal year, the Department of
 1112 Education is authorized to conduct a pilot program to determine
 1113 the feasibility of managing the Florida Teachers Lead Program
 1114 through a centralized electronic system. The pilot program
 1115 system must:
 1116 (a) Be established through a competitive procurement
 1117 process.
 1118 (b) Provide the capability for participating teachers to
 1119 make purchases from online sources.
 1120 (c) Provide the capability for participating teachers to
 1121 make purchases from local vendors by means other than online
 1122 purchasing.
 1123 (d) Generally comply with the provisions of this section.
 1124 (e) Be subject to annual auditing requirements to ensure
 1125 accountability for funds received and disbursed.
 1126 (f) Provide for the return of funds not used on an annual
 1127 basis to the state.
 1128
 1129 Participation by a school district in this pilot program shall
 1130 be on a voluntary basis. The department may limit the number of
 1131 participating districts to the number it deems feasible to
 1132 adequately measure the viability of the pilot program. The
 1133 department is not required to implement this pilot program if it
 1134 determines the number of school districts willing to participate

PCB PAC 09-01

YEAR

1135 is insufficient to adequately measure the viability of the pilot
 1136 program.

1137 Section 32. Paragraph (a) of subsection (2) of section
 1138 1012.72, Florida Statutes, is amended, and subsection (4) is
 1139 added to that section, to read:

1140 1012.72 Dale Hickam Excellent Teaching Program.--

1141 (2) The Dale Hickam Excellent Teaching Program is created
 1142 to provide categorical funding for bonuses for teaching
 1143 excellence. The bonuses may be provided for initial
 1144 certification for up to one 10-year period. The Department of
 1145 Education shall distribute to each school district an amount as
 1146 prescribed annually by the Legislature for the Dale Hickam
 1147 Excellent Teaching Program. For purposes of this section, the
 1148 Florida School for the Deaf and the Blind shall be considered a
 1149 school district. Unless otherwise provided in the General
 1150 Appropriations Act, each distribution shall be the sum of the
 1151 amounts earned for the following:

1152 (a) An annual bonus equal to 10 percent of the prior
 1153 fiscal year's statewide average salary for classroom teachers to
 1154 be distributed to the school district to be paid to each
 1155 individual classroom teacher who holds NBPTS certification and
 1156 is employed by the district school board or by a public school
 1157 within the school district. For a classroom teacher who attains
 1158 NBPTS certification after July 1, 2009, in order to be eligible
 1159 for a bonus, the individual shall teach in a low-performing
 1160 school as determined by the State Board of Education. The
 1161 district school board shall distribute the annual bonus to each
 1162 individual who meets the requirements of this paragraph and who

PCB PAC 09-01

YEAR

1163 is certified annually by the district to have demonstrated
 1164 satisfactory teaching performance pursuant to s. 1012.34. The
 1165 annual bonus may be paid as a single payment or divided into not
 1166 more than three payments.

1167 (4) The State Board of Education may adopt rules to
 1168 administer the provisions for payment of the bonuses and to
 1169 establish definitions of low-performing schools and determine
 1170 the eligibility of teachers.

1171 Section 33. Paragraph (b) of subsection (6) of section
 1172 1013.64, Florida Statutes, as amended by chapter 2009-3, Laws of
 1173 Florida, is amended, and subsection (7) is added to that
 1174 section, to read:

1175 1013.64 Funds for comprehensive educational plant needs;
 1176 construction cost maximums for school district capital
 1177 projects.--Allocations from the Public Education Capital Outlay
 1178 and Debt Service Trust Fund to the various boards for capital
 1179 outlay projects shall be determined as follows:

1180 (6)

1181 (b)1. A district school board, including a district school
 1182 board of an academic performance-based charter school district,
 1183 must not use funds from the following sources: Public Education
 1184 Capital Outlay and Debt Service Trust Fund; School District and
 1185 Community College District Capital Outlay and Debt Service Trust
 1186 Fund; Classrooms First Program funds provided in s. 1013.68;
 1187 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
 1188 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.
 1189 1011.71(2); Classrooms for Kids Program funds provided in s.
 1190 1013.735; District Effort Recognition Program funds provided in

PCB PAC 09-01

YEAR

1191 s. 1013.736; or High Growth District Capital Outlay Assistance
 1192 Grant Program funds provided in s. 1013.738 for any new
 1193 construction of educational plant space with a total cost per
 1194 student station, including change orders, that equals more than:
 1195 a. \$17,952 for an elementary school,
 1196 b. \$19,386 for a middle school, or
 1197 c. \$25,181 for a high school,

1198
 1199 (January 2006) as adjusted annually to reflect increases or
 1200 decreases in the Consumer Price Index.

1201 2. A district school board must not use funds from the
 1202 Public Education Capital Outlay and Debt Service Trust Fund or
 1203 the School District and Community College District Capital
 1204 Outlay and Debt Service Trust Fund for any new construction of
 1205 an ancillary plant that exceeds 70 percent of the average cost
 1206 per square foot of new construction for all schools.

1207 (7) Notwithstanding subsection (2), the district school
 1208 board of Wakulla County shall contribute 1.25 mills in the 2009-
 1209 2010 fiscal year and 0.25 mills in the 2010-2011 fiscal year to
 1210 the cost of currently funded special facilities construction
 1211 projects. The district school board of Liberty County shall
 1212 contribute 1.25 mills in the 2009-2010 fiscal year, 1.25 mills
 1213 in the 2010-2011 fiscal year, and 0.50 mills in the 2011-2012
 1214 fiscal year to the cost of currently funded special facilities
 1215 construction projects. If funds are made available in the
 1216 General Appropriations Act for the 2009-2010 fiscal year for the
 1217 district school board of Calhoun County from the Special
 1218 Facility Construction Account, the district school board of

PCB PAC 09-01

YEAR

1219 Calhoun County shall contribute 1.25 mills for each of the
 1220 fiscal years from the 2009-2010 fiscal year through the 2011-
 1221 2012 fiscal year and 0.75 mills in the 2012-2013 fiscal year to
 1222 the cost of currently funded special facilities construction
 1223 projects.

1224 Section 34. Section 9 of chapter 2008-142, Laws of
 1225 Florida, is repealed.

1226 Section 35. In order to implement Specific Appropriations
 1227 X, X, and X through X of the General Appropriations Act for the
 1228 2009-2010 fiscal year, the calculations of the Florida Education
 1229 Finance Program for the 2009-2010 fiscal year in the document
 1230 entitled "Public School Funding - The Florida Education Finance
 1231 Program," dated April X, 2009, and filed with the Clerk of the
 1232 House of Representatives, are incorporated by reference for the
 1233 purpose of displaying the calculations used by the Legislature,
 1234 consistent with requirements of the Florida Statutes, in making
 1235 appropriations and reductions in appropriations for the Florida
 1236 Education Finance Program.

1237 Section 36. This act shall take effect July 1, 2009;
 1238 however, the provisions of s. 1011.71, Florida Statutes, as
 1239 amended by this act, shall operate retroactively to July 1,
 1240 2008.