

Committee Substitute for
Committee Substitute for Senate Bill No. 1676

An act relating to education funding; creating part IX of ch. 159, F.S.; providing a short title; providing a purpose; providing definitions; requiring that the State Board of Education establish a program for allocating the state volume limitation imposed by the Internal Revenue Code on qualified school construction bonds; requiring that the Department of Education administer such program; providing criteria for determining whether to grant a request for the volume limitation; requiring that the department annually determine the amount of qualified school construction bonds permitted to be issued and make such information available to the public; requiring that any unused volume limitation at the end of each calendar year be carried forward; requiring that the State Board of Education and the Department of Education adopt rules; amending s. 1001.20, F.S.; requiring that the Office of Technology and Information Services within the Office of the Commissioner of Education assist school districts in securing Internet access and telecommunications services that are eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund; creating s. 1001.271, F.S.; requiring that the Commissioner of Education purchase the nondiscounted portion of Internet access services for the Florida Information Resource Network; requiring each school district, the Florida School for the Deaf and the Blind, and the Regional Education Consortia that are eligible for the e-rate to submit a requisition to the commissioner for at least the same level of Internet access services used in the 2008-2009 fiscal year; requiring that each user of the network identify the source of funds in its requisition; amending s. 1001.28, F.S.; revising the Department of Education's duties regarding distance learning; amending s. 1001.395, F.S.; requiring that the salary of district school board members be the same amount as the annual calculation or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less, for a specified period; amending s. 1001.42, F.S.; revising provisions relating to the number of days that all schools are required to operate; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school board employee before his or her employment contract expires; amending s. 1001.451, F.S.; delaying the expiration of provisions relating to the amount of funding distributed to each school district and eligible member of a regional consortium service organization; amending s. 1001.47, F.S.; authorizing elected district school superintendents to reduce their salary rates on a voluntary basis; requiring that each elected district school superintendent's salary be reduced by 2 percent for the 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school superintendent before his or her employment contract terminates; limiting the amount of remuneration that a district school

superintendent receives annually from state funds; providing a definition for the term “remuneration”; limiting the use of the superintendent’s compensation in calculating benefits under ch. 121, F.S.; encouraging district school boards and superintendents to review the superintendent’s annual remuneration for the 2009-2010 fiscal year and mutually agree to at least a 5 percent reduction; amending s. 1002.37, F.S.; providing that the Florida Virtual School may not receive additional state funds for the purpose of fulfilling the class size requirements; amending s. 1002.45, F.S.; revising provisions relating to school district virtual instruction programs; providing definitions; authorizing school districts to offer virtual instruction programs through various methods; specifying additional requirements for providers of virtual instruction programs; providing requirements for retention of approved provider status; providing requirements for school district contracts with providers; revising student eligibility criteria for enrollment in school district virtual instruction programs; revising funding and reporting provisions; revising assessment and accountability provisions for approved providers; providing for publication of school grades and school improvement ratings; revising contract termination requirements; deleting obsolete provisions; requiring that the Department of Education review and report on the advisability of authorizing approved private providers to provide specified virtual instruction programs; amending s. 1002.71, F.S.; revising provisions relating to the funding of prekindergarten programs; amending s. 1003.02, F.S.; conforming provisions to changes made by the act; amending s. 1003.03, F.S.; extending dates relating to the calculation of the number of students for purposes of complying with the maximum-class-size requirement; providing duties for the Department of Education if the department determines that the number of students assigned to any individual class exceeds the class size maximum; providing for the reduction of the class-size-reduction operating categorical allocation under certain circumstances; requiring that the department prepare a simulated calculation; amending s. 1004.55, F.S.; providing that the regional autism center at Florida State University, which is currently located at the Department of Communication Disorders, be located at the College of Medicine at Florida State University; amending s. 1006.06, F.S.; providing that universal school breakfast programs be offered only in schools in which 80 percent or more of the students are eligible for free or reduced price meals; revising provisions relating to school breakfast programs to include state allocations; amending s. 1006.21, F.S.; revising provisions relating to the duties of district school superintendents and district school boards regarding transportation; requiring that contiguous school districts make provisions for reciprocal policies and agreements for contracts for school bus transportation services, inspections, and screening requirements for public schools and public charter schools; amending s. 1006.28, F.S.; clarifying the definition of the term “adequate instructional materials”; amending s. 1006.40, F.S.; revising provisions relating to the use of the instructional materials allocation; authorizing the Commissioner of Education to

waive for certain schools within a district a requirement to purchase current instructional materials; amending s. 1007.25, F.S.; prohibiting public postsecondary educational institutions from conferring an associate in arts or baccalaureate degree upon any student who fails to successfully complete certain requirements; providing for a waiver and appeal process for students who have a specific learning disability; requiring that each public postsecondary educational institution establish a committee to consider requests for such waivers; providing for committee membership; repealing s. 1008.29, F.S., relating to the college-level communication and mathematics skills examination; amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect costs to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to electronically transfer funds for payment; amending s. 1011.09, F.S.; prohibiting a district school board from using funds for out-of-state travel, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service through any means, unless otherwise specifically approved by the district school board; amending s. 1011.18, F.S.; authorizing a district school superintendent to transfer funds from a district school depository to pay expenses, expenditures, or other disbursements if proper documentation is provided; amending s. 1011.60, F.S.; revising the minimum requirements for the Florida Education Finance Program relating to the term of operation; amending s. 1011.61, F.S.; redefining the term “full-time equivalent student”; amending s. 1011.62, F.S.; requiring that a student who is enrolled in study hall not be included in the calculation of full-time equivalent student membership for funding purposes; revising requirements for calculating the district required local effort; revising the requirements for the Department of Revenue with respect to certification of taxable value as reflected by final administrative actions of the value adjustment board; providing for calculating a prior period funding adjustment millage in addition to the required local effort millage; providing definitions; extending a date relating to categorical funds for instructional materials; deleting provisions relating to the total allocation of state funds to each district for current operation for the FEFP; repealing s. 1011.68(7), F.S., relating to funds for student transportation; removing a provision that authorizes a district school board to transfer funds to its Florida Education Finance Program; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operating categorical funds; repealing s. 1011.69(4)(b), relating to funds that are excluded from the school-level allocation under the Equity in School-Level Funding Act; amending s. 1011.71, F.S.; revising certain provisions relating to the district school tax; waiving the three-fourths limit for

certain lease-purchase agreements for a specified period; authorizing a district school board to levy an additional millage for fixed capital outlay under certain circumstances; authorizing a district school board to levy, by a super majority vote, an additional millage for critical capital outlay needs or operating needs, subject to approval of the electors at the next general election; authorizing the Commissioner of Education to waive the equal-dollar reduction in Florida Education Finance Program funds if he or she finds that a school district acted in good faith; amending s. 1012.33, F.S.; revising provisions relating to contracts for instructional staff; advising a district school board not to enter into a new professional service contract if the only available funds are from nonrecurring Federal Stabilization Funds; amending s. 1012.59, F.S.; revising provisions relating to fees for educator certification; amending s. 1012.71, F.S.; authorizing the Department of Education to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; providing requirements for such pilot program; providing that participation in the pilot program is voluntary; authorizing the department to limit the number of participants to adequately test the viability of the pilot program; amending s. 1013.37, F.S.; requiring that the standards for new school construction, remodeling, and renovation projects be limited to certain minimum standards for construction of educational facilities in the Florida Building Code and the State Requirements for Educational Facilities; providing for future expiration; amending s. 1013.62, F.S.; revising the criteria for determining a charter school's eligibility for capital outlay funding; amending s. 1013.64, F.S.; revising certain limitations on the use of nonvoted millage for school district capital projects; requiring that the school districts of Wakulla County and Liberty County contribute specific millage amounts to the cost of current special facilities projects for specified fiscal years; repealing s. 9, chapter 2008-142, Laws of Florida; abrogating the expiration of certain amendments relating to categorical funding for the operation of schools; providing for implementation of specified appropriations; providing for the incorporation by reference of certain calculations used by the Legislature for the 2009-2010 fiscal year; providing an effective date.

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

Section 1. Part IX of chapter 159, Florida Statutes, consisting of sections 159.841, 159.842, 159.843, 159.844, and 159.845, is created to read:

PART IX
QUALIFIED SCHOOL CONSTRUCTION BONDS

159.841 Short title.—This part may be cited as the “Florida Qualified School Construction Bond Allocation Act.”

159.842 Purpose.—The purpose of this part is to allocate the state volume limitation imposed by s. 54F(d) of the code on qualified school construction bonds to finance qualified school construction facilities. Any bond issued

which uses a portion of the limitation imposed by s. 54F(d)(1) of the code, or uses a portion of the limitation reallocated to the state pursuant to s. 54F(d)(2)(D) of the code, may not be issued in this state unless a written confirmation therefor is issued pursuant to this part.

159.843 Definitions.—As used in this part, the term:

(1) “Board” means the State Board of Education, created pursuant to s. 2, Art. IX of the State Constitution.

(2) “Code” means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

(3) “Commissioner” means the Commissioner of Education.

(4) “Department” means the Department of Education, created pursuant to s. 20.15.

(5) “Issued” has the same meaning as in the code.

(6) “Qualified school construction bond” means a bond described in s. 54F(a) of the code.

(7) “Qualified school construction facility” means a facility permitted to be financed with qualified school construction bonds pursuant to s. 54F(a) of the code.

159.844 Allocation of state volume limitation.—

(1) The board shall establish a program for allocating the state volume limitation imposed by s. 54F(d)(1) of the code, or reallocated to the state pursuant to s. 54F(d)(2)(D) of the code, on qualified school construction bonds to finance qualified school construction facilities. The Department of Education shall administer the program for allocation of the state volume limitation pursuant to an application and issuance reporting process. Such program must include objective criteria to be considered in determining whether to grant a request for the volume limitation, including, but not limited to, the need for a qualified school construction facility in the area proposed in the application, the number of students to be served by such facility, and the cost-effectiveness of the proposed facility.

(2) The department shall annually determine the amount of qualified school construction bonds permitted to be issued in this state under s. 54F(d)(1) of the code and shall make such information available upon request to any person or agency.

(3) The department shall ensure that any volume limitation that is unused at the end of each calendar year is carried forward pursuant to s. 54F(e) of the code.

(4) The commissioner shall sign any certificate required by the code which relates to the allocation of the state volume limitation on qualified school construction bonds to finance qualified school construction facilities.

159.845 Rules.—The board and the department shall adopt any rules necessary to ensure the orderly implementation of this part.

Section 2. Paragraph (a) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

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

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

Section 3. Section 1001.271, Florida Statutes, is created to read:

1001.271 Florida Information Resource Network.—Upon requisition by school districts, community colleges, universities, or other eligible users of the Florida Information Resource Network, the Commissioner of Education shall purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the network. For the 2009-2010 fiscal year, each school district, the Florida School for the Deaf and the Blind, and the Regional Education Consortia eligible for the e-rate must submit a requisition to the Commissioner of Education for at least the same level of Internet access services used through the Florida Information Resource Network contract in the 2008-2009 fiscal year. Each user shall identify in its requisition the source of funds from which the commissioner is to make payments.

Section 4. Subsection (2) of section 1001.28, Florida Statutes, is amended to read:

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

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders ~~on the education satellites, the SUNCOM Network, the Florida Information Resource Network (FIRN), the Florida Knowledge Network, the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services'~~

~~satellite communication facilities to support a statewide advanced telecommunications services and distance learning initiatives network.~~

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

Section 5. Subsection (3) is added to section 1001.395, Florida Statutes, as amended by section 1 of chapter 2009-3, Laws of Florida, to read:

1001.395 District school board members; compensation.—

(3) Notwithstanding the provisions of this section and s. 145.19, for the 2009-2010 fiscal year, the salary of each district school board member shall be the amount calculated pursuant to subsection (1) or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Section 6. Paragraph (a) of subsection (12) and subsection (25) of section 1001.42, Florida Statutes, as created by section 2 of chapter 2009-3, Laws of Florida, are amended to read:

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

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

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

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

Section 7. Paragraph (c) of subsection (2) of section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize dupli-

cation of services, and encourage the development of new programs and services:

(2)

(c) Notwithstanding paragraph (a), the appropriation for the 2009-2010 ~~2008-2009~~ fiscal year may be less than \$50,000 per school district and eligible member. If the amount appropriated is insufficient to provide \$50,000, the funds available must be prorated among all eligible districts and members. This paragraph expires July 1, 2010 ~~2009~~.

Section 8. Subsections (6) and (7) are added to section 1001.47, Florida Statutes, to read:

1001.47 District school superintendent; salary.—

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

(7) Notwithstanding the provisions of this section and s. 145.19, for the 2009-2010 fiscal year the salary of each elected district school superintendent calculated pursuant to s. 1001.47 shall be reduced by 2 percent.

Section 9. Subsection (2) of section 1001.50, Florida Statutes, as amended by section 3 of chapter 2009-3, Laws of Florida, is amended, and subsections (5) and (6) are added to that section, to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

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

(5) Notwithstanding any other law, resolution, or rule to the contrary, a district school superintendent employed under this section may not receive more than \$225,000 in remuneration annually from state funds. As used in this subsection, the term "remuneration" means salary, bonuses, and cash-equivalent compensation paid to a district school superintendent by his or her employer for work performed, excluding health insurance benefits and retirement benefits. Only compensation, as defined in s. 121.021(22), provided to a district school superintendent may be used in calculating benefits under chapter 121.

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

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

1002.37 The Florida Virtual School.—

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

(g) The Florida Virtual School shall receive additional state funds as may be provided in the General Appropriations Act; however, such funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.

Section 11. Section 1002.45, Florida Statutes, is amended to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

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

1. "Approved provider" means a provider that is approved by the Department of Education under subsection (2), the Florida Virtual School, or a franchise of the Florida Virtual School.

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

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

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

(b)(a) Beginning with the 2009-2010 school year, each school district shall provide eligible students within its boundaries the option of participating in a virtual instruction program. The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall be:

1. ~~provide virtual instruction to~~ Full-time for students enrolled in full-time virtual courses in kindergarten through grade 12. 8

2. ~~or in~~ Full-time or part-time for students enrolled in dropout prevention and academic intervention programs under s. 1003.53 or Department of Juvenile Justice education programs under s. 1003.52 ~~virtual courses in grades 9 through 12 as authorized in paragraph (7)(c).~~

(c) To provide students with the option of participating in virtual instruction programs as required by paragraph (b), a school district may:

1. Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School for the provision of a program under paragraph (b). Using this option is subject to the requirements of this section and s. 1011.61(1)(c)1.b.(III) and (IV).

2. Contract with an approved provider under subsection (2) for the provision of a full-time program under subparagraph (b)1. or a full-time or part-time program under subparagraph (b)2.

3. Enter into an agreement with another school district to allow the participation of its students in an approved virtual instruction program provided by the other school district. The agreement must indicate a process for the transfer of funds required by paragraph (7)(b).

Contracts under subparagraph 1. or subparagraph 2. may include multidistrict contractual arrangements that may be executed by a regional consortium for its member districts. A multidistrict contractual arrangement or an agreement under subparagraph 3. is not subject to s. 1001.42(4)(d) and does not require the participating school districts to be contiguous.

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

~~(d)(e) A charter school may enter into a joint agreement with the school district in which it is located for the charter school's students to participate in the an approved district school district's virtual instruction program.~~

~~(2) PROVIDER QUALIFICATIONS.—On or before March 1, 2009, and annually thereafter,~~

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

~~1.(a) Is nonsectarian in its programs, admission policies, employment practices, and operations;~~

~~2.(b) Complies with the antidiscrimination provisions of s. 1000.05;~~

~~3.(c) Locates an administrative office or offices in this state, requires its administrative staff to be state residents, and requires all instructional staff members to be Florida-certified teachers under chapter 1012, and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;~~

~~4.(d) Possesses prior, successful experience offering online courses to elementary, middle, or high school students; and~~

~~(e) Utilizes an instructional model that relies on certified teachers, not parents, to provide at least 85 percent of the instruction to the student;~~

~~5.(f) Is accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation, Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; and~~

~~(b) An approved provider shall retain its approved status for a period of 3 years after the date of the department's approval under paragraph (a) as long as the provider continues to comply with all requirements of this section.~~

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

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

~~(3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each school district virtual instruction program under this section operated or contracted by a school district must:~~

~~(a) Require all instructional staff to be certified professional educators under chapter 1012.~~

~~(b) Conduct a background screening of all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.~~

~~(a)(e) Align virtual course curriculum and course content to the Sunshine State Standards under s. 1003.41.~~

~~(b)(d) Offer instruction that is designed to enable a student to gain proficiency in each virtually delivered course of study.~~

~~(c)(e) Provide each student enrolled in the program with all the necessary instructional materials.~~

~~(d)(f) Provide, when appropriate, each household having a full-time student enrolled in the program with:~~

~~1. All equipment necessary for participants in the school district virtual instruction program, including, but not limited to, a computer, computer monitor, and printer; and~~

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

(e)(g) Not require tuition or student registration fees.

(4) CONTRACT REQUIREMENTS PROGRAM CAPACITY; ENROLLMENT.—Each contract with an approved provider must at minimum:

(a) Set forth a detailed curriculum plan that illustrates how students will be provided services to attain proficiency in the Sunshine State Standards.

(b) Provide a method for determining that a student has satisfied the requirements for graduation in s. 1003.428, s. 1003.429, or s. 1003.43 if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12.

(c) Specify a method for resolving conflicts among the parties.

(d) Specify authorized reasons for termination of the contract.

(e) Require the approved provider to be responsible for all debts of the school district virtual instruction program if the contract is not renewed or is terminated.

(f) Require the approved provider to comply with all requirements of this section. Beginning with the 2010-2011 school year, except for courses offered by the Florida Virtual School under s. 1002.37, a school district may not increase the enrollment for its full-time virtual instruction program in excess of its prior school year enrollment unless the program for the previous school year is designated with a grade of “C,” making satisfactory progress, or better under the school grading system provided in s. 1008.34.

(5) STUDENT ELIGIBILITY.—A student may enroll in a Enrollment in a school district virtual instruction program provided by the school district in which he or she resides is open to any student residing within the district’s attendance area if the student meets at least one of the following conditions:

(a) The student has spent the prior school year in attendance at a public school in this state and was enrolled and reported by a public school district for funding during the preceding October and February for purposes of the Florida Education Finance Program surveys.

(b) The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to the parent’s permanent change of station orders.

(c) The student was enrolled during the prior school year in a school district virtual instruction program under this section or a K-8 Virtual School Program under s. 1002.415.

(6) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in a school district virtual instruction program must:

(a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.

(b) Take state assessment tests within the school district in which such student resides, which must provide the student with access to the district's testing facilities.

(7) FUNDING.—

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

(b) ~~The school district in which the student resides shall report full-time equivalent students for the school district virtual instruction program and for a charter school's students who participate under paragraph (1)(c) to the department only in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program. Funds received by the school district of residence for a student in a virtual instruction program provided by another school district under this section shall be transferred to the school district providing the virtual instruction program.~~

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

(8) ASSESSMENT AND ACCOUNTABILITY.—

~~(a) With the exception of the programs offered by the Florida Virtual School under s. 1002.37, Each approved provider contracted under this section school district virtual instruction program must:~~

~~1. Participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.~~

~~2. Receive a school grade under as provided in s. 1008.34 or a school improvement rating under s. 1008.341, as applicable. The school grade or school improvement rating received by each approved provider shall be based upon the aggregated assessment scores of all students served by the provider statewide A school district virtual instruction program shall be considered a school under s. 1008.34 for purposes of this section, regardless of the number of individual providers participating in the district's program. The department shall publish the school grade or school improvement rating received by each approved provider on its Internet website.~~

~~(b) The performance of part-time students in grades 9 through 12 under paragraph (7)(c) shall not be included for purposes of school grades or school improvement ratings grading under subparagraph (a)2.; however, their performance shall be included for school grading or school improvement rating purposes by the nonvirtual school providing the student's primary instruction.~~

(c) ~~An approved provider A program that receives is designated with a school grade of “D,” making less than satisfactory progress, or “F,” under s. 1008.34 or a school improvement rating of “Declining” under s. 1008.341 failing to make adequate progress, must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.~~

(d) ~~An approved provider’s contract must be terminated The school district shall terminate its program, including all contracts with providers for such program, if the provider program receives a school grade of “D,” making less than satisfactory progress, or “F,” under s. 1008.34 or a school improvement rating of “Declining” under s. 1008.341 failing to make adequate progress, for 2 years during any consecutive 4-year period. A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has corrected each cause of the provider’s low performance. If a contract is not renewed or is terminated, the contracted provider is responsible for all debts of the program or school operated by the provider.~~

(e) ~~A school district that terminates its program under paragraph (d) shall contract with a provider selected and approved by the department for the provision of virtual instruction until the school district receives approval from the department to operate a new school district virtual instruction program.~~

(9) EXCEPTIONS.—A provider of digital or online content or curriculum that is used to supplement the instruction of students who are not enrolled in a school district virtual instruction program under this section is not required to meet the requirements of this section.

(10) MARKETING.—~~Each school district shall provide Any information provided by a school district to parents and students regarding the school district’s virtual instruction program must include information about opportunities available at, and the parent’s and student’s right to participate access in a school district virtual instruction program under this section and in courses offered by, the Florida Virtual School under s. 1002.37.~~

(11) ~~2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM.—For the 2008-2009 school year, each school district in the state may offer a school district virtual instruction program to provide full-time virtual courses in kindergarten through grade 8 or to provide full-time or part-time virtual courses in grades 9 through 12 as authorized in paragraph (7)(c). Such program may be operated or contracted as provided under paragraph (1)(b) and must comply with all requirements of this section, except that contracts under this subsection may only be issued for virtual courses in kindergarten through grade 8 to providers operating under s. 1002.415 or for virtual courses in grades 9 through 12 as authorized under paragraph (7)(c) to providers who contracted with a regional consortium in the 2007-2008 school year to provide such services.~~

(11)(12) RULES.—The State Board of Education shall adopt rules necessary to administer this section, including rules that prescribe school district ~~and charter school~~ reporting requirements under subsection (7).

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

Section 12. Paragraph (d) of subsection (3), paragraph (a) of subsection (4), and paragraph (d) of subsection (6) of section 1002.71, Florida Statutes, as amended by section 7 of chapter 2009-3, Laws of Florida, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(d) For programs offered by school districts pursuant to s. 1002.61 and beginning with the 2009 summer program, each district's funding shall be based on a ~~full-time equivalent~~ student enrollment that is evenly divisible by 12. If the result of dividing a district's ~~full-time equivalent~~ student enrollment by 12 is not a whole number, the district's enrollment calculation shall be adjusted by adding the minimum number of ~~full-time equivalent~~ students to produce a ~~full-time equivalent~~ student enrollment calculation that is evenly divisible by 12.

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

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than ~~70~~ 40 percent of the hours authorized to be reported for funding under subsection (2) may withdraw from the program for good cause and, reenroll in one of the programs, ~~and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled~~. The total funding for a child who reenrolls in one of the programs for good cause may shall not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the agency's uniform attendance policy adopted pursuant to paragraph (6)(d).

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(6)

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

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

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

3. ~~A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance. A student who does not meet the minimum requirement may be reported as a full-time equivalent student if the student is absent for good cause in accordance with exceptions specified in the uniform attendance policy.~~

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

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

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

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

(g) School operation.—

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

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

Section 14. Paragraph (b) of subsection (2) and subsection (4) of section 1003.03, Florida Statutes, as amended by section 9 of chapter 2009-3, Laws of Florida, are amended to read:

1003.03 Maximum class size.—

(2) IMPLEMENTATION.—

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

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

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

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

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

(4) ACCOUNTABILITY.—

(a)1. Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(2)(d). The amount of funds transferred shall be the

lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.

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

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

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

1. Identify, for each grade group, the number of classes in which the enrollment exceeds the maximum, the number of students which exceed the maximum for each class, and the total number of students which exceed the maximum for all classes.

2. Determine the number of full-time equivalent students which exceed the maximum class size for each grade group.

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

4. Reduce the district's class-size-reduction operatingcategorical allocation by an amount equal to the sum of the calculation in subparagraph 3.

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

(d) In lieu of the reduction calculation in paragraph (b), the Commissioner of Education may recommend a budget amendment, subject to approval of the Legislative Budget Commission, to reduce an alternative amount of funds from the district's class-size-reduction operating categorical allocation. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.

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

~~(b) Beginning in the 2005-2006 school year, the department shall determine by January 15 of each year which districts have not met the two-student-per-year reduction required in subsection (2) based upon a comparison of the district's October student membership survey for the current school year and the February 2003 baseline student membership survey. The department shall report such districts to the Legislature. Each district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the department finds that the district comes into compliance based upon the February student membership survey:~~

- ~~1. Year-round schools;~~
- ~~2. Double sessions;~~
- ~~3. Rezoning; or~~

~~4. Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session during the day.~~

~~A school district that is required to implement one of the policies outlined in subparagraphs 1.-4. shall correct in the year of implementation any past deficiencies and bring the district into compliance with the two-student-per-year reduction goals established for the district by the department pursuant to subsection (2). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the district implemented any of the policies outlined in subparagraphs 1.-4. in a format to be specified by the Commissioner of Education. The Department of Education shall use the enforcement authority provided in s. 1008.32 to ensure that districts comply with the provisions of this paragraph.~~

~~(c) Beginning in the 2006-2007 school year, the department shall annually determine which districts do not meet the requirements described in subsection (2). In addition to enforcement authority provided in s. 1008.32, the Department of Education shall develop a constitutional compliance plan~~

~~for each such district which includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation unless the department finds that the district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (b). Each district school board shall implement the constitutional compliance plan developed by the state board until the district complies with the constitutional class size maximums.~~

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

1004.55 Regional autism centers.—

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

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

Section 16. Paragraphs (a) and (b) of subsection (5) of section 1006.06, Florida Statutes, are amended to read:

1006.06 School food service programs.—

(5)(a) Each district school board shall implement school breakfast programs that make breakfast meals available to all students in each elementary school. By the beginning of the 2010-2011 school year, universal the school breakfast programs shall be offered in schools in which 80 percent or more of the students are eligible for free or reduced-price meals ~~make breakfast meals available to all students in each elementary, middle, and high school.~~ Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program.

(b) Beginning with the 2009-2010 school year, each school district must annually set prices for breakfast meals at rates that, combined with federal reimbursements and state allocations, are sufficient to defray costs of school

breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.

Section 17. Subsection (5) is added to section 1006.21, Florida Statutes, to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(5) Contiguous school districts shall make provisions for reciprocal policies and agreements for contracts for school bus transportation services, inspections, and screening requirements for public schools and public charter schools.

Section 18. Subsection (1) of section 1006.28, Florida Statutes, is amended to read:

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

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term “adequate instructional materials” means a sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve serving as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

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

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

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

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

Section 19. Paragraph (a) of subsection (2) of section 1006.40, Florida Statutes, as amended by section 10 of chapter 2009-3, Laws of Florida, is amended to read:

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

(2)(a) Each district school board must purchase current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years after the effective date of the adoption cycle; however, this requirement is waived for the adoption cycle occurring in the 2008-2009 academic year for schools within the district which are identified in the top four categories of schools pursuant to s. 1008.33, as amended by CS/CS/HB 991, Engrossed 1. The Commissioner of Education may provide a waiver of this requirement for the adoption cycle occurring in the 2008-2009 academic year if the district demonstrates that it has intervention and support strategies to address the particular needs of schools in the lowest two categories. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.

Section 20. Subsection (12) is added to section 1007.25, Florida Statutes, to read:

1007.25 General education courses; common prerequisites; and other degree requirements.—

(12)(a) A public postsecondary educational institution may not confer an associate in arts or baccalaureate degree upon any student who fails to successfully complete one of the following requirements:

1. Achieve a score that meets or exceeds a minimum score on a nationally standardized examination, as established by the State Board of Education in conjunction with the Board of Governors; or

2. Demonstrate successful remediation of any academic deficiencies and achieve a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the State Board of Education in conjunction with the Board of Governors. The Department of Education shall specify the means by which a student may demonstrate successful remediation.

(b) Any student who, in the best professional opinion of the postsecondary educational institution, has a specific learning disability such that the student cannot demonstrate successful mastery of one or more of the authorized examinations but is achieving at the college level in every area despite his or her disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to a committee appointed by the president or the chief academic

officer for special consideration. The committee shall examine the evidence of the student's academic and medical records and may hear testimony relevant to the case. The committee may grant a waiver for one or more of the authorized examinations based on the results of its review.

(c) Each public postsecondary educational institution president shall establish a committee to consider requests for waivers from the requirements in paragraph (a). The committee shall be chaired by the chief academic officer of the institution and shall have four additional members appointed by the president as follows:

1. One faculty member from the mathematics department;
2. One faculty member from the English department;
3. The institutional test administrator; and
4. One faculty member from a department other than English or mathematics.

(d) Any student who has taken the authorized examinations and has not achieved a passing score, but has otherwise demonstrated proficiency in coursework in the same subject area, may request a waiver from the examination requirement. Waivers shall be considered only after students have been provided test accommodations or other administrative adjustments to permit the accurate measurement of the student's proficiency in the subject areas measured by the authorized examinations. The committee shall consider the student's educational records and other evidence as to whether the student should be able to pass the authorized examinations. A waiver may be recommended to the president upon a majority vote of the committee. The president may approve or disapprove the recommendation. The president may not approve a request that the committee has disapproved. If a waiver is approved, the student's transcript shall include a statement that the student did not meet the requirements of this subsection and that a waiver was granted.

Section 21. Section 1008.29, Florida Statutes, is repealed.

Section 22. Paragraph (c) of subsection (1) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(1) The Commissioner of Education shall coordinate uniform program structures, common definitions, and uniform management information systems for workforce education for all divisions within the department. In performing these functions, the commissioner shall designate deadlines after which data elements may not be changed for the coming fiscal or school year. School districts and community colleges shall be notified of data element changes at least 90 days prior to the start of the subsequent fiscal or school year. Such systems must provide for:

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

Section 23. Section 1010.06, Florida Statutes, is created to read:

1010.06 Indirect cost limitation.—State funds appropriated by the Legislature to the Division of Public Schools within the Department of Education may not be used to pay indirect costs to a university, community college, school district, or any other entity.

Section 24. Section 1010.11, Florida Statutes, is amended to read:

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

Section 25. Subsection (4) is added to section 1011.09, Florida Statutes, to read:

1011.09 Expenditure of funds by district school board.—All state funds apportioned to the credit of any district constitute a part of the district school fund of that district and must be budgeted and expended under authority of the district school board subject to the provisions of law and rules of the State Board of Education.

(4) During the 2009-2010 fiscal year, unless otherwise specifically approved by the district school board, public funds may not be expended for out-of-state travel or cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method. The expenditure of public funds for art programs, music programs, sports programs, and extracurricular programs for students is a higher priority than expending funds for employee travel and cellular phones.

Section 26. Subsection (4) of section 1011.18, Florida Statutes, is amended to read:

1011.18 School depositories; payments into and withdrawals from depositories.—

(4) HOW FUNDS DRAWN FROM DEPOSITORIES.—All money drawn from any district school depository holding same as prescribed herein shall be upon a check or warrant drawn on authority of the district school board as prescribed by law. Each check or warrant shall be signed by the chair or, in his or her absence, the vice chair of the district school board and countersigned by the district school superintendent, with corporate seal of the school board affixed. However, as a matter of convenience, the corporate seal of the district school board may be printed upon the warrant and a proper record of such warrant shall be maintained. The district school board may by resolution, a copy of which must be delivered to the depository, provide

for internal funds to be withdrawn from any district depository by a check duly signed by at least two bonded school employees designated by the board to be responsible for administering such funds. However, the district school superintendent or his or her designee, after having been by resolution specifically authorized by the district school board, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds to pay expenses, expenditures, or other disbursements that must be evidenced by an invoice or other appropriate documentation in a similar manner ~~when the transfer does not represent an expenditure, advance, or reduction of cash assets~~. Such transfer may be made by electronic, telephonic, or other medium; and each transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee.

Section 27. Subsection (2) and paragraphs (d) and (f) of subsection (3) of section 1011.60, Florida Statutes, are amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

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

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

(d) District school boards may authorize a maximum of six paid legal holidays which shall apply to the total annual number of required ~~196~~ days of service adopted by the board.

(f) Such rules must not require more than 10 ~~12~~ calendar months of service for ~~such principals, other school site administrators, and instructional staff~~, as prescribed by rules of the State Board of Education and must require 10 months to include not less than 196 days of service, excluding Sundays and other holidays. Principals, other school site administrators, and instructional staff may serve more than 10 calendar months of service if specifically approved by the district school board. Contracts for 12 months of service may, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or

further study as prescribed by the school board in accordance with rules of the State Board of Education.

Section 28. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A “full-time equivalent student” is:

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

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

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

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

(III) A full-time equivalent student for students in kindergarten through grade 5 ~~grades K-8~~ in a school district virtual instruction program under as provided in s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 ~~9-12~~ in a school district virtual instruction program under s. 1002.45(1)(b)1. and 2. as provided in s. 1002.45 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. s. 1011.62(1)(e)1. and 3 ~~s. 1011.62(1)(c)1.b. or c. s. 1011.62(1)(e)1. and 3~~ 4. Credit completions can be a combination of either full credits or half credits.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12 ~~s. 1011.62(1)(c)1. and 4~~. Credit completions can be a combination of either full credits or half credits.

(VI) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as $\frac{1}{6}$ FTE.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

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

Section 29. Present paragraphs (l) through (p) of subsection (1) of section 1011.62, Florida Statutes, are redesignated as paragraphs (m) through (q), respectively, a new paragraph (l) is added to that subsection, present paragraph (p) of that subsection is amended, and subsections (4) and (5), paragraph (b) of subsection (6), and paragraph (a) of subsection (12) of that section are amended, to read:

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

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

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

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

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

(a) Estimated taxable value calculations.—

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

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

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

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

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes.

~~(b) Final calculation.—~~

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

~~2. For purposes of this paragraph, the final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to chapter 194. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the taxable value for school purposes. The value certified under subparagraph 1. shall be the final taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraph (12)(b).~~

(b)(e) Equalization of required local effort.—

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

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

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

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

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

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

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

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

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

(c)(d) Exclusion.—

1. In those instances in which:

a. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b. The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

(d)(e) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (c) ~~(d)~~, the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Prior period funding adjustment millage.—

1. There shall be an additional millage to be known as the Prior Period Funding Adjustment Millage levied by a school district if the prior period unrealized required local effort funds are greater than zero. The Commissioner of Education shall calculate the amount of the prior period unrealized required local effort funds as specified in subparagraph 2. and the millage required to generate that amount as specified in this subparagraph. The Prior Period Funding Adjustment Millage shall be the quotient of the prior period unrealized required local effort funds divided by the current year taxable value certified to the Commissioner of Education pursuant to subparagraph (a)1.a. This levy shall be in addition to the required local effort millage certified pursuant to this subsection. Such millage shall not

affect the calculation of the current year's required local effort and the funds generated by such levy shall not be included in the district's Florida Education Finance Program allocation for that fiscal year. For purpose of the millage to be included on the Notice of Proposed Taxes, the Commissioner of Education shall adjust the required local effort millage computed pursuant to paragraph (a) as adjusted by paragraph (b) for the current year for any district that levies a Prior Period Funding Adjustment Millage to include all Prior Period Funding Adjustment Millage. For the purpose of this paragraph, there shall be a Prior Period Funding Adjustment Millage levied for each year certified by the Department of Revenue pursuant to sub-subparagraph (a)2.a. since the previous year certification and for which the calculation in sub-subparagraph 2.b. is greater than zero.

2.a. As used in this subparagraph, the term:

(I) "Prior year" means a year certified under sub-subparagraph (a)2.a.

(II) "Preliminary taxable value" means:

(A) If the prior year is the 2009-2010 fiscal year or later, the taxable value certified to the Commissioner of Education pursuant to sub-subparagraph (a)1.a.

(B) If the prior year is the 2008-2009 fiscal year or earlier, the taxable value certified pursuant to the final calculation as specified in former paragraph (b) as that paragraph existed in the prior year.

(III) "Final taxable value" means the district's taxable value as certified by the property appraiser pursuant to s. 193.122(2) or (3), if applicable. This is the certification that reflects all final administrative actions of the value adjustment board.

b. For purposes of this subsection and with respect to each year certified pursuant to sub-subparagraph (a)2.a., if the district's prior year preliminary taxable value is greater than the district's prior year final taxable value, the prior period unrealized required local effort funds are the difference between the district's prior year preliminary taxable value and the district's prior year final taxable value, multiplied by the prior year district required local effort millage. If the district's prior year preliminary taxable value is less than the district's prior year final taxable value, the prior period unrealized required local effort funds are zero.

~~(5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The Legislature shall prescribe in the General Appropriations Act, pursuant to s. 1011.71(1), the rate of nonvoted current operating discretionary millage that shall be used to calculate a discretionary millage compression supplement. If the prescribed millage generates an amount of funds per unweighted FTE for the district that is less than the state average, the district shall receive an amount per FTE that, when added to the funds per FTE generated by the designated levy, shall equal the state average. To be eligible for the supplement, a district must levy the maximum authorized millage pursuant to s. 1011.71.~~

(6) CATEGORICAL FUNDS.—

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

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. Funds for research-based reading instruction.

5. Funds for instructional materials if all instructional material purchases have been completed for that fiscal year, but no sooner than March 1, 2010 ~~2009~~.

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

~~(a) The basic amount for current operation for the FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amounts provided for categorical components within the FEFP, plus the discretionary millage compression supplement as determined in subsection (5), the amount for the sparsity supplement as determined in subsection (7), the decline in full-time equivalent students as determined in subsection (8), the research-based reading instruction allocation as determined in subsection (9), the allocation for juvenile justice education programs as determined in subsection (10), the quality assurance guarantee as determined in subsection (11), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation of the FEFP as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:~~

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

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

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

Section 30. Subsection (7) of section 1011.68, Florida Statutes, is repealed.

Section 31. Section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district in the amount prescribed by the Legislature in the General Appropriations Act.

(2) Class size reduction operating categorical funds shall be used by school districts to reduce class size as required in s. 1003.03, or the funds may be used for any lawful operating expenditure; however, priority shall be given to increasing salaries of classroom teachers. for the following:

~~(a) To reduce class size in any lawful manner, if the district has not met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2).~~

~~(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the differentiated pay provisions detailed in s. 1012.22.~~

Section 32. Paragraph (b) of subsection (4) of section 1011.69, Florida Statutes, is repealed.

Section 33. Section 1011.71, Florida Statutes, as amended by section 12 of chapter 2009-3, Laws of Florida, is amended to read:

1011.71 District school tax.—

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

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

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(a) Notwithstanding subsection (2), if the revenue from 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, by a district school board pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied pursuant to this subsection is subject to the provisions of s. 200.065 and, combined with the 1.5 mills authorized in subsection (2), may not exceed 1.75 mills. If the district chooses to use up to 0.25 mills for fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

(b) In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy an additional 0.25 mills for critical capital outlay needs or for critical operating needs. If levied for capital outlay, expenditures shall be subject to the requirements of this section. If levied for operations, expenditures shall be consistent with the requirements for operating funds received pursuant to s. 1011.62. If the district levies this additional 0.25 mills for operations, the compression adjustment pursuant to s. 1011.62(5) shall be calculated and added to the district's FEFP allocation. Millage levied pursuant to this paragraph is subject to the provisions of s. 200.065. In order to be continued, millage levied pursuant to this paragraph must be approved by the voters of the district at the next general election.

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

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

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

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

~~(6)~~(5) Violations of the expenditure provisions in subsection (2) or subsection (4) shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

~~(7)~~(6) These taxes shall be certified, assessed, and collected as prescribed in s. 1011.04 and shall be expended as provided by law.

~~(8)~~(7) Nothing in s. 1011.62(4)(a)1. shall in any way be construed to increase the maximum school millage levies as provided for in subsection (1).

~~(9)~~(8) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 34. If the Commissioner of Education determines that a school district acted in good faith, he or she may waive the equal-dollar reduction, required in s. 1011.71, Florida Statutes, for audit findings during the 2007-2008 fiscal year which were related to the purchase of software.

Section 35. Paragraph (g) of subsection (3) of section 1012.33, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

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

(3)

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

but has since broken employment with that district for 1 school year or more, for purposes of pay, a district school board must recognize and accept each year of full-time public school teaching service earned in the State of Florida ~~or outside the state and~~ for which the employee received a satisfactory performance evaluation; however, an employee may voluntarily waive this provision. Instructional personnel employed pursuant to s. 121.091(9)(b)3. are exempt from the provisions of this paragraph.

(9) Notwithstanding this section or any other law or rule to the contrary, for the 2009-2010 and 2010-2011 fiscal years, district school boards should not enter into a new professional service contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds.

Section 36. Subsection (1) of section 1012.59, Florida Statutes, is amended to read:

1012.59 Certification fees.—

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

Section 37. Subsection (6) is added to section 1012.71, Florida Statutes, to read:

1012.71 The Florida Teachers Lead Program.—

(6) For the 2009-2010 fiscal year, the Department of Education is authorized to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system. The pilot program must:

- (a) Be established through a competitive procurement process;
- (b) Provide the capability for participating teachers to purchase from online sources;
- (c) Provide the capability for participating teachers to purchase from local vendors by means other than online purchasing;
- (d) Generally comply with the provisions of this section;
- (e) Be subject to annual auditing requirements to ensure accountability for funds received and disbursed; and
- (f) Provide for all unused funds to be returned to the state at the close of each fiscal year.

Any participation in this pilot program by school districts and individual teachers must be on a voluntary basis. The department may limit the number of participating districts to the number it deems feasible to adequately measure the viability of the pilot program. The department is not required to implement this pilot program if it determines that the number of school districts willing to participate is insufficient to adequately measure the viability of the pilot program.

Section 38. Subsection (6) is added to section 1013.37, Florida Statutes, to read:

1013.37 State uniform building code for public educational facilities construction.—

(6) Notwithstanding the requirements of section 22 of chapter 2008-227, Laws of Florida, the standards for new school construction, remodeling, and renovation projects shall be limited to the minimum standards for construction of educational facilities contained in section 423 of the Florida Building Code and the State Requirements for Educational Facilities contained in rules adopted by the Department of Education. This subsection expires July 1, 2010.

Section 39. Subsection (1) of section 1013.62, Florida Statutes, is amended, and paragraphs (f), (g), and (h) are added to subsection (2) of that section, to read:

1013.62 Charter schools capital outlay funding.—

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

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

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

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

c.2. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; or

d.3. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools.

2.(b) Have financial stability for future operation as a charter school.

3.(e) Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4.(d) Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5.(e) Serve students in facilities that are not provided by the charter school's sponsor.

(b) The first priority for charter school capital outlay funding ~~is shall be~~ to allocate to the charter schools that received funding in the 2005-2006 fiscal year an allocation of the same amount per capital outlay full-time equivalent student, up to the lesser of the actual number of capital outlay full-time equivalent students in the current year, or the capital outlay full-time equivalent students in the 2005-2006 fiscal year. After calculating the first priority, the second priority ~~is shall be~~ to allocate excess funds remaining in the appropriation in an amount equal to the per capital outlay full-time equivalent student amount in the first priority calculation to eligible charter schools not included in the first priority calculation and to schools in the first priority calculation with growth greater than ~~in excess of~~ the 2005-2006 capital outlay full-time equivalent students. After calculating the first and second priorities, excess funds remaining in the appropriation ~~must shall~~ be allocated to all eligible charter schools.

(c) A charter school's allocation ~~may shall~~ not exceed one-fifteenth of the cost per student station specified in s. 1013.64(6)(b). ~~Before releasing~~ Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education ~~must shall~~ ensure that the district school board and the charter school governing board enter into a written agreement that provides ~~includes provisions~~ for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3) ~~if, in the event that~~ the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund.

(d) A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.

(e) Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school ~~is shall be~~ determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. However, ~~a no~~ charter school or charter lab school ~~may not shall~~ receive state charter school capital outlay funds greater than ~~in excess of~~ the one-fifteenth cost per student station formula if the charter school's combination of state charter school capital outlay funds, capital outlay funds calculated through the reduction in the administrative fee provided in s. 1002.33(20), and capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student station formula.

(f) Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which ~~is shall be~~ calculated by averaging the results of the second and third enrollment surveys. The Department of Education shall distribute capital outlay funds monthly, beginning

in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

(2) A charter school's governing body may use charter school capital outlay funds for the following purposes:

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

(g) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.

(h) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20) for renovation, repair, and maintenance of school facilities that are owned by the sponsor.

Section 40. Paragraph (b) of subsection (6) of section 1013.64, Florida Statutes, as amended by section 14 of chapter 2009-3, Laws of Florida, is amended, and subsection (7) is added to that section, to read:

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

(6)

(b)1. A district school board, including a district school board of an academic performance-based charter school district, must not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted 1.5-mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for

any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

- a. \$17,952 for an elementary school,
- b. \$19,386 for a middle school, or
- c. \$25,181 for a high school,

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

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

(7) Notwithstanding subsection (2), the district school board of Wakulla County shall contribute 1 mill in the 2009-2010 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the cost of currently funded special facilities construction projects. The district school board of Liberty County shall contribute 1 mill for each of the fiscal years 2009-2010 through 2011-2012 to the cost of currently funded special facilities construction projects. If funds are made available in the General Appropriations Act for the 2009-2010 fiscal year for the district school board of Calhoun County from the Special Facilities Construction Account, the district school board shall contribute 1.125 mills for each of the fiscal years from 2009-2010 through 2012-2013 to the cost of funded special facilities construction projects.

Section 41. Section 9 of chapter 2008-142, Laws of Florida, is repealed.

Section 42. In order to implement Specific Appropriations 5A, 6, 7, 76, and 77 of the General Appropriations Act for the 2009-2010 fiscal year, the calculations of the Florida Education Finance Program for the 2009-2010 fiscal year in the document entitled "Public School Funding - The Florida Education Finance Program," dated May 5, 2009, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.

Section 43. This act shall take effect July 1, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.