

CHAPTER 2010-154

Council Substitute for House Bill No. 5101

An act relating to prekindergarten through grade 12 education funding; amending s. 212.055, F.S.; deleting the requirement that a district school board imposing the school capital outlay surtax implement a freeze on noncapital local school property taxes; amending s. 216.292, F.S.; deleting provisions relating to the transfer of certain funds for class size reduction; amending s. 1001.395, F.S.; extending the duration of a provision specifying methods to calculate the salary of a district school board member; amending s. 1001.451, F.S.; revising provisions relating to the appropriation of funds for regional consortium service organizations; amending s. 1002.32, F.S.; revising and correcting a calculation relating to funding for lab school operating purposes; amending s. 1002.33, F.S.; requiring a charter school to be in compliance with maximum class size requirements based on the school-level average; revising provisions that exempt charter school facilities from certain fees; providing that certain capital outlay funds shared with a charter school-in-the-workplace have met expenditure requirements; revising provisions relating to the withholding and use of an administrative fee for provision of services by the sponsor of a charter school; amending s. 1002.37, F.S.; revising and correcting a calculation relating to funding for Florida Virtual School operating purposes; amending s. 1002.39, F.S.; revising provisions relating to private school documentation for quarterly scholarship payments under the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.45, F.S.; providing for school district virtual instruction programs to include programs offered by community colleges; requiring that community college instructors meet certain certification requirements; providing an additional condition by which a student may become eligible to enroll in a school district virtual instruction program; prohibiting a community college from reporting students served in a school district virtual instruction program for funding under the Community College Program Fund; removing obsolete provisions requiring a report; amending s. 1002.71, F.S.; reducing the amount of funds that an early learning coalition may retain for administrative purposes from funds paid to private prekindergarten providers and public schools; amending s. 1003.03, F.S.; requiring the Department of Education to annually calculate class size measures; requiring district school boards to hold public hearings and provide information to parents on district strategies to meet class size requirements; deleting obsolete provisions; revising implementation options; revising requirements for the Department of Education with respect to the calculation of class size and the reduction and reallocation of certain funds; requiring districts that have not complied with class size requirements to submit a plan that describes actions for compliance; providing for alternative class size measures, implementation, calculations, and accountability to take effect upon approval of an amendment to the State Constitution by the electors of the state; providing for retroactive effect;

amending s. 1003.42, F.S.; requiring instructional materials relating to the history of African Americans to include certain information; amending s. 1003.492, F.S.; clarifying the duties of the Department of Education in approving the list of industry certifications for career education programs; amending s. 1003.52, F.S.; providing that certain requirements relating to educational services in Department of Juvenile Justice programs shall be implemented to the extent funds are available; amending s. 1004.925, F.S.; revising provisions relating to the certification of automotive service technology education programs; providing a restriction on funding; amending s. 1006.28, F.S.; redefining the term “adequate instructional materials” to include electronic content; creating s. 1006.281, F.S.; encouraging school districts to provide access to an electronic learning management system for teachers, students, and parents; specifying the functionality of such a system; requiring the Department of Education to assist school districts in deploying an electronic learning management system; amending s. 1006.29, F.S.; providing that instructional materials include electronic content; requiring that a publisher or manufacturer providing instructional materials as a single bundle make the materials available separately and priced individually; requiring that instructional materials adopted after a specified date for students in grades 9 through 12 be provided in an electronic format; amending s. 1006.33, F.S.; requiring that an advertisement for bids for instructional materials require the bidder to furnish electronic specimen copies of the materials; providing requirements for requesting certain samples; amending s. 1006.40, F.S.; including electronic content as an approved item of instruction; authorizing the use of funds for electronic or computer hardware under certain circumstances; amending s. 1007.27, F.S.; providing that secondary school students are authorized users of the state-funded electronic library resources licensed for postsecondary institutions; requiring the State Board of Education and the Board of Governors to adopt rules; amending s. 1010.79, F.S.; providing for the use of funds in the Sophomore Level Test Trust Fund; amending s. 1011.03, F.S.; requiring that a district school board post its proposed millage levies online; revising the requirements for publishing the proposed levies in a newspaper; amending s. 1011.62, F.S.; providing for the allocation and use of funds appropriated for the International Baccalaureate program and for students who complete an industry-certified career and professional academy program; revising calculations for school district required local effort; revising provisions relating to the transfer of categorical funds for certain purposes; authorizing a district school board to transfer certain categorical funds for instructional materials; authorizing the purchase of certain hardware; revising the calculation for determination of a district’s sparsity supplement; providing that a calculation subsequent to an appropriation does not result in negative state funds for any district; providing for computation of prior year district required local effort; amending s. 1011.64, F.S.; conforming a cross-reference; amending s. 1011.66, F.S.; revising provisions relating to the distribution of FEFP funds; amending s. 1011.67, F.S.; deleting certain requirements for distribution of funds for instructional materials to school districts; amending s. 1011.68, F.S.; revising a

calculation for allocation of funds to school districts for student transportation; amending s. 1011.71, F.S.; authorizing the use of capital improvement millage for certain computer hardware and hardware devices; requiring that the levy of certain school district millage must be approved by voters at specified elections; providing restrictions; amending s. 1011.73, F.S.; correcting a cross-reference; amending s. 1012.33, F.S.; exempting specified reemployed instructional personnel from certain requirements for determining pay; amending s. 1012.467, F.S.; requiring school districts to accept reciprocity of certain screening for Florida High School Athletic Association officials; amending s. 1012.55, F.S.; requiring certification for personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment; amending s. 1013.62, F.S.; authorizing capital outlay funding for a charter school-in-the-workplace; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the Special Facility Construction Account program and make recommendations to the Legislature and Governor; authorizing the Commissioner of Education to administer a one-time student transportation survey for the Jefferson County School District; providing for the use of funds to assist in the management of school district operations; providing an appropriation; providing effective dates.

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

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

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

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

~~(d) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or taxes authorized in the General Appropriations Act.~~

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

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

216.292 Appropriations nontransferable; exceptions.—

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

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

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

1001.395 District school board members; compensation.—

(3) Notwithstanding the provisions of this section and s. 145.19, for the ~~2010-2011~~ 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 4. 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 duplication of services, and encourage the development of new programs and services:

(2)

(c) Notwithstanding paragraph (a), the appropriation for the ~~2010-2011~~ 2009-2010 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, 2011~~ July 1, 2010.

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

1002.32 Developmental research (laboratory) schools.—

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

(d) Each lab school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 95 percent of the current year’s taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act to the Lab School Trust Fund.

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

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

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

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

2. Chapter 119, relating to public records.

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

(18) FACILITIES.—

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

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible for capital outlay funds pursuant to s. 1013.62. Capital outlay funds authorized

in s. 1011.71(2) that have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

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

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

a. Includes both conversion charter schools and nonconversion charter schools;

b. Has all schools located in the same county;

c. Has a total enrollment exceeding the total enrollment of at least one school district in the state;

d. Has the same governing board; and

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

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

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

Section 7. Paragraph (f) 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:

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

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

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

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

(b) Provide to the department all documentation required for a student’s participation, including the private school’s and student’s fee schedules, at least 30 days before any the first quarterly scholarship payment is made for the student pursuant to paragraph (10)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

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

Section 9. Paragraphs (a) and (b) of subsection (1), paragraph (a) of subsection (2), and subsections (7) and (12) of section 1002.45, Florida Statutes, are amended, and paragraph (d) is added to subsection (5) of that section, 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,~~ or a community college.

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) 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. Full-time for students enrolled in kindergarten through grade 12.

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

(2) PROVIDER QUALIFICATIONS.—

(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 provider must document that it:

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

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

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff 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. Possesses prior, successful experience offering online courses to elementary, middle, or high school students; and

5. 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; and

6. If the provider is a community college, employs instructors who meet the certification requirements for instructional staff under chapter 1012.

(5) STUDENT ELIGIBILITY.—A student may enroll in a virtual instruction program provided by the school district in which he or she resides if the student meets at least one of the following conditions:

(d) The student has a sibling who is currently enrolled in a school district virtual instruction program and that sibling was enrolled in such program at the end of the prior school year.

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

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

1002.71 Funding; financial and attendance reporting.—

(7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2010-2011 ~~2008-2009~~ fiscal year, each early learning coalition may retain and expend no more than 4.5 ~~4.85~~ percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

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

1003.03 Maximum class size.—

(2) IMPLEMENTATION.—

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

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

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

(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, 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.~~

~~(a)(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 (1)(2), based upon the October student membership survey 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 exceeds the maximum for each class, and the total number of students which exceeds the maximum for all classes.~~

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

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

~~4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2010-2011 fiscal year and by an amount equal to the base student allocation adjusted by~~

the district cost differential beginning in the 2011-2012 fiscal year and thereafter.

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

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

(e) 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.

(c)(d) In lieu of the reduction calculation in paragraph (a)(b), if the Commissioner of Education has evidence that a district was unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, the commissioner may recommend by February 15 a budget amendment, subject to approval of the Legislative Budget Commission, the reduction of to reduce an alternate alternative amount of funds from the district's class size 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.

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

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

calculated in paragraphs (a)-(c). However, no district shall have an amount added back that is greater than the amount that was reduced.

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

~~(e) In addition to the calculation required in paragraph (a), at the time of the third FEFP 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.~~

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

1003.03 Maximum class size.—

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

(a) The average number of students at the school level assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students, and the maximum number of students assigned to a teacher in an individual classroom may not exceed 21 students.

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

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

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

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

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

~~(2) IMPLEMENTATION.—~~

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

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

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

~~(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, 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 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.~~

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

~~(d) Prior to the adoption of the district school budget for 2004-2005, each district school board shall hold public hearings to review school attendance zones in order to ensure maximum use of facilities while minimizing the~~

~~additional use of transportation in order to comply with the two-student-per-year reduction required in paragraph (a). School districts that meet the constitutional class size maximums described in subsection (1) are exempt from this requirement.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) ACCOUNTABILITY.—

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

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

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

3. Multiply the total number of FTE students as calculated in subparagraph 1. which exceeds the maximum by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2010-2011 fiscal year and beginning in the 2011-2012 fiscal year by an amount equal to the base student allocation adjusted by the district cost differential.

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

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

~~(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 FEFPP 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 exceeds the maximum for each class, and the total number of students which exceeds the maximum for all classes.~~

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

~~3.— Multiply the total number of FTE students which exceeds 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 operating categorical 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.~~

~~(c)~~ (d) In lieu of the reduction calculation in paragraph ~~(a)~~(b), if the Commissioner of Education has evidence that a district was unable to meet the class size requirements despite appropriate efforts to do so or because of an extreme emergency, the commissioner may recommend by February 15 a budget amendment, subject to approval of the Legislative Budget Commission, the reduction of to reduce an alternate alternative amount of funds from the district's class size 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.

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

(e) Each district that has not complied with the requirements in subsection (1) shall submit to the commissioner by February 15 a plan certified by the district school board that describes the specific actions the district will take in order to fully comply with the requirements in subsection (1) by October of the following school year. If a district submits the certified plan by the required deadline, the funds remaining after the reallocation calculation in paragraph ~~(d)~~ shall be added back to the district's class size categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated in paragraphs ~~(a)~~(a)-(c). However, no district shall have an amount added back that is greater than the amount that was reduced.

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

~~(e)~~ In addition to the calculation required in paragraph ~~(a)~~, at the time of the third FEFP 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.

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

1003.42 Required instruction.—

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

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

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

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

1003.492 Industry-certified career education programs.—

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

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

1003.52 Educational services in Department of Juvenile Justice programs.—

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

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

(c) The Department of Education, in consultation with district school boards and providers, shall establish minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities. If a district school board fails to meet the established minimum standards, it will be given 6 months to achieve compliance with the standards. If after 6 months, the district school board's performance is still below minimum standards, the Department of Education shall exercise sanctions as prescribed by rules adopted by the State Board of Education. If a provider, under contract with the district school board, fails to meet minimum standards, such failure shall cause the district school board to cancel the provider's contract unless the provider achieves compliance within 6 months or unless there are documented extenuating circumstances.

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

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

1004.925 Automotive service technology education programs; certification.—

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

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

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

Section 17. 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, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve 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 18. Section 1006.281, Florida Statutes, is created to read:

1006.281 Learning management systems.—

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

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

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

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

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

(d) Provides access for administrators to ensure quality of instruction within every classroom.

(e) Provides access to multiple content providers.

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

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

1006.29 State instructional materials committees.—

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

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

1006.33 Bids or proposals; advertisement and its contents.—

(1)

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

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

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

(4) The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. The funds available to district school boards for the purchase of materials not on the state-adopted list may not be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media unless the district school board has complied with the requirements in s. 1011.62(6)(b) 5., nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or district school board may use a portion of the funds available to it for the purchase of materials not on the state-adopted list to purchase science laboratory materials and supplies.

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

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration. Students of Florida public secondary schools enrolled pursuant to this subsection shall be deemed authorized users of the state-funded electronic library resources that are licensed for Florida colleges and state universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida colleges and state universities.

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

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

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

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

(1) Each district school board must cause a summary of its tentative budget, including the proposed millage levies as provided for by law, ~~and graphs illustrating a historical summary of financial and demographic data,~~ to be posted online and advertised at least one time as a full-page advertisement in a the newspaper of general with the largest circulation published in the district or to be posted at the courthouse ~~door~~ if there be no such newspaper.

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

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

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

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

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

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

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

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

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

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

- ~~1. Current fiscal year.~~
- ~~2. Fiscal year that is 5 years before the current fiscal year.~~
- ~~3. Fiscal year that is 10 years before the current fiscal year.~~

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

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

~~“This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance standards for the (previous school year) school year. In order to achieve the legislatively required level of classroom expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of \$XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: ...(list activities and amount budgeted)....”~~

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

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

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

(m) Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

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

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

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

(p) Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.—A value of 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, and 1003.493 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

(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 96 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.

(b) 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 ~~96~~ 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 ~~96~~ 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.

(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 necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal

year, but no sooner than March 1, 2011 2010. Funds available after March 1 may be used to purchase hardware for student instruction.

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

(d) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds, Merit Award Program funds, and the minimum guarantee funds, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds, Merit Award Program funds, and the minimum guarantee funds, for all districts by the state total FTE student count.

5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.

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

(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) If the funds appropriated for current operation of the FEFP 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. However, no calculation subsequent to the appropriation shall result in negative state funds for any district.

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

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

1011.64 School district minimum classroom expenditure requirements.

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

(a) An initial report, which shall include the proposed budget actions identified for increased classroom expenditures, a description of how such actions are designed to improve student achievement, and a copy of the published statement required by s. 1011.03(2)(3). This report shall be submitted within 30 days after final budget approval as provided in s. 200.065.

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

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

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

1011.67 Funds for instructional materials.—

(1) The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this subsection, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. ~~These funds shall be distributed to school districts as follows: 50 percent on or about July 10; 35 percent on or about October 10; 10 percent on or about January 10; and 5 percent on or about June 10.~~ The annual allocation shall be determined as follows:

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

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

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

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

(b) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

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

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

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

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

$T = B + EX$. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by an the prior year's average per student cost for transportation as determined by the Legislature. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

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

1011.71 District school tax.—

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

(d) ~~Effective July 1, 2008,~~ The purchase, lease-purchase, or lease of new and replacement equipment; computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or to facilitate the access to and the use of a school district's electronic learning management system pursuant to s. 1006.281, excluding software other than the operating system necessary to operate the hardware or device; 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.

(3)

(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 after the 2010-2011 fiscal year, millage levied pursuant to this paragraph must be approved by the voters of the district at the 2010 next general election or at a subsequent election held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

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

1011.73 District millage elections.—

(2) **MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.**—The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(9)(8). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 32. Paragraph (g) of subsection (3) of section 1012.33, Florida Statutes, is amended 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 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) and (c) are exempt from the provisions of this paragraph.

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

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

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

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

1012.55 Positions for which certificates required.—

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and adopt rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service. Each person employed or occupying a position as school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the State Board of Education in fulfilling the requirements of the law for the type of service rendered. Such positions include personnel providing direct instruction to students through a virtual environment or through a blended virtual and physical environment. The Department of Education shall identify appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses that are funded through the Florida Education Finance Program. However, the state board shall adopt rules authorizing

district school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

Section 35. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended 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. 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. 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. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools; or
 - e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).
2. Have financial stability for future operation as a charter school.
 3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.
 4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.
 5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 36. Special Facility Construction Account study.—The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the Special Facility Construction Account program to examine the effectiveness of s. 1013.64(2), Florida Statutes, and shall provide recommendations. The study shall examine the criteria to determine program eligibility; the criteria to determine project eligibility; the procedures used to evaluate potential projects; the procedures for determining the priority list; and whether, historically, the funded projects were needed by the districts based on student enrollment data, age, and usefulness of district facilities at the time of the request, on the district's educational plant survey, or on other relevant information. OPPAGA should also make

recommendations for improving the process of providing appropriations for projects under the Special Facility Construction Account. OPPAGA shall submit the results of the study to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor no later than January 31, 2011.

Section 37. The Commissioner of Education is authorized to administer a one-time student transportation survey for the Jefferson County School District to serve as a substitute for the statewide, scheduled October and February surveys which were omitted by the district. The survey process shall be conducted according to standard survey procedures, and the result shall be incorporated into the 2009-2010 student transportation final calculation. Notwithstanding the requirements of s. 1011.68(5), Florida Statutes, from the funds generated from the transportation survey, the school district shall use \$50,000 to contract for consulting services to assist in the management of school district operations for 2010-2011. The consultant or consulting group shall be approved by the Commissioner of Education.

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

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

Approved by the Governor May 28, 2010.

Filed in Office Secretary of State May 28, 2010.