

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on CS/HB 5101 offered the following:

2  
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6 Section 1. Paragraphs (d) and (e) of subsection (6) of  
7 section 212.055, Florida Statutes, are amended to read:

8 212.055 Discretionary sales surtaxes; legislative intent;  
9 authorization and use of proceeds.—It is the legislative intent  
10 that any authorization for imposition of a discretionary sales  
11 surtax shall be published in the Florida Statutes as a  
12 subsection of this section, irrespective of the duration of the  
13 levy. Each enactment shall specify the types of counties  
14 authorized to levy; the rate or rates which may be imposed; the  
15 maximum length of time the surtax may be imposed, if any; the  
16 procedure which must be followed to secure voter approval, if  
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17 required; the purpose for which the proceeds may be expended;  
18 and such other requirements as the Legislature may provide.  
19 Taxable transactions and administrative procedures shall be as  
20 provided in s. 212.054.

21 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

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

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

32 Section 2. Paragraph (d) of subsection (2) of section  
33 216.292, Florida Statutes, is amended to read:

34 216.292 Appropriations nontransferable; exceptions.—

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

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

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

49 1001.395 District school board members; compensation.—

50 (3) Notwithstanding the provisions of this section and s.  
51 145.19, for the 2010-2011 ~~2009-2010~~ fiscal year, the salary of  
52 each district school board member shall be the amount calculated  
53 pursuant to subsection (1) or the district's beginning salary  
54 for teachers who hold baccalaureate degrees, whichever is less.

55 Section 4. Paragraph (c) of subsection (2) of section  
56 1001.451, Florida Statutes, is amended to read:

57 1001.451 Regional consortium service organizations.—In  
58 order to provide a full range of programs to larger numbers of  
59 students, minimize duplication of services, and encourage the  
60 development of new programs and services:

61 (2)

62 (c) Notwithstanding paragraph (a), the appropriation for  
63 the 2010-2011 ~~2009-2010~~ fiscal year may be less than \$50,000 per  
64 school district and eligible member. If the amount appropriated  
65 is insufficient to provide \$50,000, the funds available must be  
66 prorated among all eligible districts and members. This  
67 paragraph expires July 1, 2011 ~~July 1, 2010~~.

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

70 1002.32 Developmental research (laboratory) schools.—

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

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

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

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

102 1002.33 Charter schools.—

103 (16) EXEMPTION FROM STATUTES.—

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

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

108 2. Chapter 119, relating to public records.

109 3. Section 1003.03, relating to the maximum class size,  
110 except that the calculation for compliance pursuant to s.  
111 1003.03 shall be the average at the school level.

112 (18) FACILITIES.—

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

118 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
119 for capital outlay funds pursuant to s. 1013.62. Capital outlay  
120 funds authorized in s. 1011.71(2) that have been shared with a  
121 charter school-in-the-workplace prior to July 1, 2010, are  
122 deemed to have met the authorized expenditure requirements for  
123 such funds.

124 (20) SERVICES.—

125 (a) 1. A sponsor shall provide certain administrative and  
126 educational services to charter schools. These services shall  
127 include contract management services; full-time equivalent and  
128 data reporting services; exceptional student education

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129 administration services; services related to eligibility and  
130 reporting duties required to ensure that school lunch services  
131 under the federal lunch program, consistent with the needs of  
132 the charter school, are provided by the school district at the  
133 request of the charter school, that any funds due to the charter  
134 school under the federal lunch program be paid to the charter  
135 school as soon as the charter school begins serving food under  
136 the federal lunch program, and that the charter school is paid  
137 at the same time and in the same manner under the federal lunch  
138 program as other public schools serviced by the sponsor or the  
139 school district; test administration services, including payment  
140 of the costs of state-required or district-required student  
141 assessments; processing of teacher certificate data services;  
142 and information services, including equal access to student  
143 information systems that are used by public schools in the  
144 district in which the charter school is located. Student  
145 performance data for each student in a charter school,  
146 including, but not limited to, FCAT scores, standardized test  
147 scores, previous public school student report cards, and student  
148 performance measures, shall be provided by the sponsor to a  
149 charter school in the same manner provided to other public  
150 schools in the district.

151 2. A total administrative fee for the provision of such  
152 services shall be calculated based upon up to 5 percent of the  
153 available funds defined in paragraph (17)(b) for all students.  
154 However, a sponsor may only withhold up to a 5-percent  
155 administrative fee for enrollment for up to and including 250  
156 ~~500~~ students. For charter schools with a population of 251 ~~501~~  
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157 or more students, the difference between the total  
158 administrative fee calculation and the amount of the  
159 administrative fee withheld may only be used for capital outlay  
160 purposes specified in s. 1013.62(2).

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

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

167 b. Has all schools located in the same county;

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

170 d. Has the same governing board; and

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

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

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

184 Section 7. Paragraph (f) of subsection (3) of section  
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185 1002.37, Florida Statutes, is amended to read:

186 1002.37 The Florida Virtual School.—

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

189 (f) The Florida Virtual School shall receive funds for  
190 operating purposes in an amount determined as follows: multiply  
191 the maximum allowable nonvoted discretionary millage for  
192 operations pursuant to s. 1011.71(1) and (3) by the value of 96  
193 ~~95~~ percent of the current year's taxable value for school  
194 purposes for the state; divide the result by the total full-time  
195 equivalent membership of the state; and multiply the result by  
196 the full-time equivalent membership of the school. The amount  
197 thus obtained shall be discretionary operating funds and shall  
198 be appropriated from state funds in the General Appropriations  
199 Act.

200 Section 8. Paragraph (b) of subsection (8) of section  
201 1002.39, Florida Statutes, is amended to read:

202 1002.39 The John M. McKay Scholarships for Students with  
203 Disabilities Program.—There is established a program that is  
204 separate and distinct from the Opportunity Scholarship Program  
205 and is named the John M. McKay Scholarships for Students with  
206 Disabilities Program.

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

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

218  
219 The inability of a private school to meet the requirements of  
220 this subsection shall constitute a basis for the ineligibility  
221 of the private school to participate in the scholarship program  
222 as determined by the department.

223 Section 9. Paragraphs (a) and (b) of subsection (1),  
224 paragraph (a) of subsection (2), and subsections (7) and (12) of  
225 section 1002.45, Florida Statutes, are amended, and paragraph  
226 (d) is added to subsection (5) of that section, to read:

227 1002.45 School district virtual instruction programs.—

228 (1) PROGRAM.—

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

230 1. "Approved provider" means a provider that is approved  
231 by the Department of Education under subsection (2), the Florida  
232 Virtual School, ~~or~~ a franchise of the Florida Virtual School, or  
233 a community college.

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

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

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

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

250 1. Full-time for students enrolled in kindergarten through  
251 grade 12.

252 2. Full-time or part-time for students in grades 9 through  
253 12 who are enrolled in dropout prevention and academic  
254 intervention programs under s. 1003.53, ~~or~~ Department of  
255 Juvenile Justice education programs under s. 1003.52, core-  
256 curricula courses to meet class size requirements under s.  
257 1003.03, or community colleges under this section ~~in grades 9~~  
258 through 12.

259 (2) PROVIDER QUALIFICATIONS.—

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

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

266 2. Complies with the antidiscrimination provisions of s.  
267 1000.05;

268 3. Locates an administrative office or offices in this  
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269 state, requires its administrative staff to be state residents,  
270 requires all instructional staff to be Florida-certified  
271 teachers under chapter 1012, and conducts background screenings  
272 for all employees or contracted personnel, as required by s.  
273 1012.32, using state and national criminal history records;

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

276 5. Is accredited by the Southern Association of Colleges  
277 and Schools Council on Accreditation and School Improvement, the  
278 North Central Association Commission on Accreditation and School  
279 Improvement, the Middle States Association of Colleges and  
280 Schools Commission on Elementary Schools and Commission on  
281 Secondary Schools, the New England Association of Schools and  
282 Colleges, the Northwest Association of Accredited Schools, the  
283 Western Association of Schools and Colleges, or the Commission  
284 on International and Trans-Regional Accreditation; and

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

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

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

296 (7) FUNDING.—

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

300 (b) The school district in which the student resides shall  
301 report full-time equivalent students for the school district  
302 virtual instruction program to the department in a manner  
303 prescribed by the department, and funding shall be provided  
304 through the Florida Education Finance Program. Funds received by  
305 the school district of residence for a student in a virtual  
306 instruction program provided by another school district under  
307 this section shall be transferred to the school district  
308 providing the virtual instruction program.

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

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

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

322 1002.71 Funding; financial and attendance reporting.—

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

345 Section 11. Subsections (2), (3), and (4) of section  
346 1003.03, Florida Statutes, are amended to read:

347 1003.03 Maximum class size.—

348 (2) IMPLEMENTATION.—

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

352 (b) Prior to the adoption of the district school budget  
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353 for 2010-2011, each district school board shall hold public  
354 hearings and provide information to parents on the district's  
355 website, and through any other means by which the district  
356 provides information to parents and the public, on the  
357 district's strategies to meet the requirements in subsection  
358 (1).

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

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

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

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

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

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

379 ~~(c) The Department of Education shall annually calculate~~  
380 ~~each of the three average class size measures defined in~~  
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381 ~~paragraphs (a) and (b) based upon the October student membership~~  
382 ~~survey. For purposes of determining the baseline from which each~~  
383 ~~district's average class size must be reduced for the 2003-2004~~  
384 ~~school year, the department shall use data from the February~~  
385 ~~2003 student membership survey updated to include classroom~~  
386 ~~identification numbers as required by the department.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

443 (4) ACCOUNTABILITY.—

444 ~~(a) 1. Beginning in the 2003-2004 fiscal year, if the~~  
445 ~~department determines for any year that a school district has~~  
446 ~~not reduced average class size as required in subsection (2) at~~  
447 ~~the time of the third FEFP calculation, the department shall~~  
448 ~~calculate an amount from the class size reduction operating~~  
449 ~~categorical which is proportionate to the amount of class size~~  
450 ~~reduction not accomplished. Upon verification of the~~  
451 ~~department's calculation by the Florida Education Finance~~  
452 ~~Program Appropriation Allocation Conference and not later than~~  
453 ~~March 1 of each year, the Executive Office of the Governor shall~~  
454 ~~transfer undistributed funds equivalent to the calculated amount~~  
455 ~~from the district's class size reduction operating categorical~~  
456 ~~to an approved fixed capital outlay appropriation for class size~~  
457 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~  
458 ~~The amount of funds transferred shall be the lesser of the~~  
459 ~~amount verified by the Florida Education Finance Program~~  
460 ~~Appropriation Allocation Conference or the undistributed balance~~  
461 ~~of the district's class size reduction operating categorical.~~

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

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

482 ~~(a)(b) Beginning in the 2010-2011 fiscal year and each~~  
483 ~~year thereafter, If the department determines that the number of~~  
484 ~~students assigned to any individual class exceeds the class size~~  
485 ~~maximum, as required in subsection (1)(2), based upon the~~  
486 ~~October student membership survey at the time of the third FEFP~~  
487 ~~calculation, the department shall:~~

488 1. Identify, for each grade group, the number of classes  
489 in which ~~the enrollment exceeds the maximum,~~ the number of  
490 students ~~which~~ exceeds the maximum ~~for each class,~~ and the total  
491 number of students which exceeds the maximum for all classes.

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

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

500 4. Multiply the total number of FTE students which exceeds  
501 the maximum for all classes by an amount equal to 50 percent of  
502 the base student allocation adjusted by the district cost  
503 differential for the 2010-2011 fiscal year and by an amount  
504 equal to the base student allocation adjusted by the district  
505 cost differential beginning in the 2011-2012 fiscal year and  
506 thereafter.

507 ~~5.4.~~ Reduce the district's class size ~~class size reduction~~  
508 ~~operating~~ categorical allocation by an amount equal to the sum  
509 of the calculations ~~calculation~~ in subparagraphs ~~subparagraph~~ 3.  
510 and 4.

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

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

529 (c) ~~(d)~~ In lieu of the reduction calculation in paragraph  
530 (a) ~~(b)~~, if the Commissioner of Education has evidence that a  
531 district was unable to meet the class size requirements despite  
532 appropriate efforts to do so or because of an extreme emergency,  
533 the commissioner may recommend by February 15 a budget  
534 amendment, subject to approval of the Legislative Budget  
535 Commission, the reduction of to reduce an alternate alternative  
536 amount of funds from the district's class size class-size-  
537 reduction operating categorical allocation. The commissioner's  
538 budget amendment must be submitted to the Legislative Budget  
539 Commission by February 15 of each year.

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

548 (e) Each district that has not complied with the

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549 requirements in subsection (1) shall submit to the commissioner  
550 by February 15 a plan certified by the district school board  
551 that describes the specific actions the district will take in  
552 order to fully comply with the requirements in subsection (1) by  
553 October of the following school year. If a district submits the  
554 certified plan by the required deadline, the funds remaining  
555 after the reallocation calculation in paragraph (d) shall be  
556 added back to the district's class size categorical allocation  
557 based on each qualifying district's proportion of the total  
558 reduction for all qualifying districts for which a reduction was  
559 calculated in paragraphs (a)-(c). However, no district shall  
560 have an amount added back that is greater than the amount that  
561 was reduced.

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

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

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

576 1003.03 Maximum class size.—

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

580 (a) The average number of students at the school level  
581 assigned to each teacher who is teaching core-curricula courses  
582 in public school classrooms for prekindergarten through grade 3  
583 may not exceed 18 students, and the maximum number of students  
584 assigned to a teacher in an individual classroom may not exceed  
585 21 students.

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

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

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

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

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

608 (2) IMPLEMENTATION.—

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

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

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

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

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

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

632 3. ~~For fiscal year 2010-2011 and thereafter, the~~

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633 ~~calculation for compliance shall be at the individual classroom~~  
634 ~~level.~~

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

638 ~~(c) The Department of Education shall annually calculate~~  
639 ~~each of the three average class size measures defined in~~  
640 ~~paragraphs (a) and (b) based upon the October student membership~~  
641 ~~survey. For purposes of determining the baseline from which each~~  
642 ~~district's average class size must be reduced for the 2003-2004~~  
643 ~~school year, the department shall use data from the February~~  
644 ~~2003 student membership survey updated to include classroom~~  
645 ~~identification numbers as required by the department.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

702 (4) ACCOUNTABILITY.—

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

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

715 2. Multiply the total number of FTE students as calculated  
716 in subparagraph 1. which exceeds the maximum for each grade

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717 group by the district's FTE dollar amount of the class size  
718 categorical allocation for that year and calculate the total  
719 dollar amount for all three grade groups.

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

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

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

738 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~  
739 ~~department determines for any year that a school district has~~  
740 ~~not reduced average class size as required in subsection (2) at~~  
741 ~~the time of the third FEFP calculation, the department shall~~  
742 ~~calculate an amount from the class size reduction operating~~  
743 ~~categorical which is proportionate to the amount of class size~~  
744 ~~reduction not accomplished. Upon verification of the~~

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745 ~~department's calculation by the Florida Education Finance~~  
746 ~~Program Appropriation Allocation Conference and not later than~~  
747 ~~March 1 of each year, the Executive Office of the Governor shall~~  
748 ~~transfer undistributed funds equivalent to the calculated amount~~  
749 ~~from the district's class size reduction operating categorical~~  
750 ~~to an approved fixed capital outlay appropriation for class size~~  
751 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~  
752 ~~The amount of funds transferred shall be the lesser of the~~  
753 ~~amount verified by the Florida Education Finance Program~~  
754 ~~Appropriation Allocation Conference or the undistributed balance~~  
755 ~~of the district's class size reduction operating categorical.~~

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

768 ~~3. For the 2007-2008 fiscal year and thereafter, if in any~~  
769 ~~fiscal year funds from a district's class size operating~~  
770 ~~categorical are required to be transferred to its fixed capital~~  
771 ~~outlay fund and the district's class size operating categorical~~  
772 ~~allocation in the General Appropriations Act for that fiscal~~

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773 ~~year has been reduced by a subsequent appropriation, the~~  
774 ~~Commissioner of Education may recommend a 50 percent reduction~~  
775 ~~in the amount of the transfer.~~

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

781 ~~1. Identify, for each grade group, the number of classes~~  
782 ~~in which the enrollment exceeds the maximum, the number of~~  
783 ~~students which exceeds the maximum for each class, and the total~~  
784 ~~number of students which exceeds the maximum for all classes.~~

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

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

791 ~~4. Reduce the district's class-size-reduction operating~~  
792 ~~categorical allocation by an amount equal to the sum of the~~  
793 ~~calculation in subparagraph 3.~~

794 ~~(c) Upon verification of the department's calculation by~~  
795 ~~the Florida Education Finance Program Appropriation Allocation~~  
796 ~~Conference and no later than March 1 of each year, the Executive~~  
797 ~~Office of the Governor shall place these funds in reserve, and~~  
798 ~~the undistributed funds shall revert to the General Revenue Fund~~  
799 ~~unallocated at the end of the fiscal year. The amount of funds~~  
800 ~~reduced shall be the lesser of the amount verified by the~~

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801 ~~Florida Education Finance Program Appropriation Allocation~~  
802 ~~Conference or the undistributed balance of the district's class-~~  
803 ~~size reduction operating categorical allocation.~~

804 (c) ~~(d)~~ In lieu of the reduction calculation in paragraph  
805 (a) ~~(b)~~, if the Commissioner of Education has evidence that a  
806 district was unable to meet the class size requirements despite  
807 appropriate efforts to do so or because of an extreme emergency,  
808 the commissioner may recommend by February 15 a budget  
809 amendment, subject to approval of the Legislative Budget  
810 Commission, the reduction of to reduce an alternate alternative  
811 amount of funds from the district's class size class-size-  
812 reduction operating categorical allocation. The commissioner's  
813 budget amendment must be submitted to the Legislative Budget  
814 Commission by February 15 of each year.

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

823 (e) Each district that has not complied with the  
824 requirements in subsection (1) shall submit to the commissioner  
825 by February 15 a plan certified by the district school board  
826 that describes the specific actions the district will take in  
827 order to fully comply with the requirements in subsection (1) by  
828 October of the following school year. If a district submits the

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829 certified plan by the required deadline, the funds remaining  
830 after the reallocation calculation in paragraph (d) shall be  
831 added back to the district's class size categorical allocation  
832 based on each qualifying district's proportion of the total  
833 reduction for all qualifying districts for which a reduction was  
834 calculated in paragraphs (a)-(c). However, no district shall  
835 have an amount added back that is greater than the amount that  
836 was reduced.

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

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

846 Section 13. Paragraph (h) of subsection (2) of section  
847 1003.42, Florida Statutes, is amended to read:

848 1003.42 Required instruction.-

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

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

863

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

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

868 1003.492 Industry-certified career education programs.—

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

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912 exercise sanctions as prescribed by rules adopted by the State  
913 Board of Education. If a provider, under contract with the  
914 district school board, fails to meet minimum standards, such  
915 failure shall cause the district school board to cancel the  
916 provider's contract unless the provider achieves compliance  
917 within 6 months or unless there are documented extenuating  
918 circumstances.

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

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

923 1004.925 Automotive service technology education programs;  
924 certification.-

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

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

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

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

938 1006.28 Duties of district school board, district school  
939 superintendent; and school principal regarding K-12

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940 instructional materials.—

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

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

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

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

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

977 Section 18. Section 1006.281, Florida Statutes, is created  
978 to read:

979 1006.281 Learning management systems.—

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

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

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

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

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996 instruction.

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

1000 (d) Provides access for administrators to ensure quality  
1001 of instruction within every classroom.

1002 (e) Provides access to multiple content providers.

1003 (3) The Department of Education shall provide assistance  
1004 as requested by school districts in their deployment of a  
1005 district electronic learning management system.

1006 Section 19. Subsection (4) of section 1006.29, Florida  
1007 Statutes, is amended to read:

1008 1006.29 State instructional materials committees.-

1009 (4) For purposes of state adoption, "instructional  
1010 materials" means items having intellectual content that by  
1011 design serve as a major tool for assisting in the instruction of  
1012 a subject or course. These items may be available in bound,  
1013 unbound, kit, or package form and may consist of hardbacked or  
1014 softbacked textbooks, electronic content, consumables, learning  
1015 laboratories, manipulatives, electronic media, and computer  
1016 courseware or software. A publisher or manufacturer providing  
1017 instructional materials as a single bundle shall also make the  
1018 instructional materials available as separate and unbundled  
1019 items, each priced individually. Any instructional materials  
1020 adopted after 2012-2013 for students in grades 9 through 12  
1021 shall also be provided in an electronic format. The term does  
1022 not include electronic or computer hardware even if such

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1023 hardware is bundled with software or other electronic media, nor  
1024 does it include equipment or supplies.

1025 Section 20. Paragraph (b) of subsection (1) of section  
1026 1006.33, Florida Statutes, is amended to read:

1027 1006.33 Bids or proposals; advertisement and its  
1028 contents.-

1029 (1)

1030 (b) The advertisement shall state that, beginning in 2010-  
1031 2011, each bidder shall furnish electronic specimen copies of  
1032 all instructional materials submitted, at a time designated by  
1033 the department, which specimen copies shall be identical with  
1034 the copies approved and accepted by the members of the state  
1035 instructional materials committee, as prescribed in this  
1036 section, and with the copies furnished to the department and  
1037 district school superintendents, as provided in this part. Any  
1038 district school superintendent who requires samples in addition  
1039 to the electronic format must request those samples through the  
1040 department.

1041 Section 21. Subsection (4) of section 1006.40, Florida  
1042 Statutes, is amended to read:

1043 1006.40 Use of instructional materials allocation;  
1044 instructional materials, library books, and reference books;  
1045 repair of books.-

1046 (4) The funds described in subsection (3) which district  
1047 school boards may use to purchase materials not on the state-  
1048 adopted list shall be used for the purchase of instructional  
1049 materials or other items having intellectual content which  
1050 assist in the instruction of a subject or course. These items  
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1051 may be available in bound, unbound, kit, or package form and may  
1052 consist of hardbacked or softbacked textbooks, electronic  
1053 content, replacements for items which were part of previously  
1054 purchased instructional materials, consumables, learning  
1055 laboratories, manipulatives, electronic media, computer  
1056 courseware or software, and other commonly accepted  
1057 instructional tools as prescribed by district school board rule.  
1058 The funds available to district school boards for the purchase  
1059 of materials not on the state-adopted list may not be used to  
1060 purchase electronic or computer hardware even if such hardware  
1061 is bundled with software or other electronic media unless the  
1062 district school board has complied with the requirements in s.  
1063 1011.62(6)(b)5., nor may such funds be used to purchase  
1064 equipment or supplies. However, when authorized to do so in the  
1065 General Appropriations Act, a school or district school board  
1066 may use a portion of the funds available to it for the purchase  
1067 of materials not on the state-adopted list to purchase science  
1068 laboratory materials and supplies.

1069 Section 22. Subsection (1) of section 1007.27, Florida  
1070 Statutes, is amended to read:

1071 1007.27 Articulated acceleration mechanisms.—

1072 (1) It is the intent of the Legislature that a variety of  
1073 articulated acceleration mechanisms be available for secondary  
1074 and postsecondary students attending public educational  
1075 institutions. It is intended that articulated acceleration serve  
1076 to shorten the time necessary for a student to complete the  
1077 requirements associated with the conference of a high school  
1078 diploma and a postsecondary degree, broaden the scope of

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1079 curricular options available to students, or increase the depth  
1080 of study available for a particular subject. Articulated  
1081 acceleration mechanisms shall include, but not be limited to,  
1082 dual enrollment as provided for in s. 1007.271, early admission,  
1083 advanced placement, credit by examination, the International  
1084 Baccalaureate Program, and the Advanced International  
1085 Certificate of Education Program. Credit earned through the  
1086 Florida Virtual School shall provide additional opportunities  
1087 for early graduation and acceleration. Students of Florida  
1088 public secondary schools enrolled pursuant to this subsection  
1089 shall be deemed authorized users of the state-funded electronic  
1090 library resources that are licensed for Florida colleges and  
1091 state universities by the Florida Center for Library Automation  
1092 and the College Center for Library Automation. Verification of  
1093 eligibility shall be in accordance with rules established by the  
1094 State Board of Education and regulations established by the  
1095 Board of Governors and processes implemented by Florida colleges  
1096 and state universities.

1097 Section 23. Section 1010.79, Florida Statutes, is amended  
1098 to read:

1099 1010.79 Sophomore Level Test Trust Fund.—Chapter 99-26,  
1100 Laws of Florida, re-created the Sophomore Level Test Trust Fund  
1101 to record revenue and disbursements of examination fees received  
1102 by the Department of Education as authorized in s. 1008.29.  
1103 Effective July 1, 2010, funds remaining in the Sophomore Level  
1104 Test Trust Fund may be used for any purpose authorized by the  
1105 Legislature.

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1106 Section 24. Section 1011.03, Florida Statutes, is amended  
1107 to read:

1108 1011.03 Public hearings; budget to be submitted to  
1109 Department of Education.—

1110 (1) Each district school board must cause a summary of its  
1111 tentative budget, including the proposed millage levies as  
1112 provided for by law, ~~and graphs illustrating a historical~~  
1113 ~~summary of financial and demographic data,~~ to be posted online  
1114 and advertised at least one time as a full-page advertisement in  
1115 a the newspaper of general with the largest circulation  
1116 published in the district or to be posted at the courthouse ~~door~~  
1117 if there be no such newspaper.

1118 ~~(2) (a) The advertisement must include a graph illustrating~~  
1119 ~~the historical summary of financial and demographic data for~~  
1120 ~~each of the following data values which shall be plotted along~~  
1121 ~~the vertical axis of each graph:~~

1122 1. ~~Total revenue provided to the school district from all~~  
1123 ~~sources for the corresponding fiscal year, including all~~  
1124 ~~federal, state, and local revenue.~~

1125 2. ~~Total revenue provided to the school district for the~~  
1126 ~~corresponding fiscal year for current operations.~~

1127 3. ~~Total revenue provided to the school district for the~~  
1128 ~~corresponding fiscal year for fixed capital outlay projects.~~

1129 4. ~~Total revenue provided to the school district for the~~  
1130 ~~corresponding fiscal year for debt service.~~

1131 5. ~~Total number of unweighted full-time equivalent~~  
1132 ~~students, inclusive of all programs listed in s. 1011.62.~~

1133 6. ~~Total revenue provided to the school district for~~  
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1134 ~~current operations divided by the number of unweighted full-time~~  
1135 ~~equivalent students for the corresponding fiscal year.~~

1136 ~~7. Total number of employees of the school district for~~  
1137 ~~the corresponding fiscal year.~~

1138 ~~8. Total number of employees of the school district~~  
1139 ~~classified as instructional personnel under s. 1012.01 for the~~  
1140 ~~corresponding fiscal year.~~

1141 ~~(b) Each graph must include a separate histogram~~  
1142 ~~corresponding to the financial and demographic data for each of~~  
1143 ~~the following fiscal years, which shall be plotted along the~~  
1144 ~~horizontal axis of each graph:~~

1145 ~~1. Current fiscal year.~~

1146 ~~2. Fiscal year that is 5 years before the current fiscal~~  
1147 ~~year.~~

1148 ~~3. Fiscal year that is 10 years before the current fiscal~~  
1149 ~~year.~~

1150 ~~(c) The numeric value of the financial and demographic~~  
1151 ~~data corresponding to each histogram must be included in each~~  
1152 ~~graph.~~

1153 ~~(2)(3)~~ The advertisement of a district that has been  
1154 required by the Legislature to increase classroom expenditures  
1155 pursuant to s. 1011.64 must include the following statement:  
1156

1157 "This proposed budget reflects an increase in classroom  
1158 expenditures as a percent of total current operating  
1159 expenditures of XX percent over the (previous fiscal year)  
1160 fiscal year. This increase in classroom expenditures is required  
1161 by the Legislature because the district has performed below the  
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1162 required performance standard on XX of XX student performance  
1163 standards for the (previous school year) school year. In order  
1164 to achieve the legislatively required level of classroom  
1165 expenditures as a percentage of total operating expenditures,  
1166 the proposed budget includes an increase in overall classroom  
1167 expenditures of \$XX,XXX,XXX above the amount spent for this same  
1168 purpose during the (previous fiscal year) fiscal year. In order  
1169 to achieve improved student academic performance, this proposed  
1170 increase is being budgeted for the following activities:

1171 ... (list activities and amount budgeted) ...."

1172 (3) ~~(4)~~ The advertisement shall appear adjacent to the  
1173 advertisement required pursuant to s. 200.065. The State Board  
1174 of Education may adopt rules necessary to provide specific  
1175 requirements for the format of the advertisement.

1176 (4) ~~(5)~~ The board shall hold public hearings to adopt  
1177 tentative and final budgets pursuant to s. 200.065. The hearings  
1178 shall be primarily for the purpose of hearing requests and  
1179 complaints from the public regarding the budgets and the  
1180 proposed tax levies and for explaining the budget and proposed  
1181 or adopted amendments thereto, if any. The district school board  
1182 shall then require the superintendent to transmit forthwith two  
1183 copies of the adopted budget to the Department of Education for  
1184 approval as prescribed by law and rules of the State Board of  
1185 Education.

1186 Section 25. Paragraphs (m) and (p) of subsection (1),  
1187 paragraphs (a) and (b) of subsection (4), paragraph (b) of  
1188 subsection (6), paragraph (d) of subsection (7), and paragraph  
1189 (a) of subsection (12) of section 1011.62, Florida Statutes, are  
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1190 amended, and subsection (13) is added to that section, to read:

1191 1011.62 Funds for operation of schools.—If the annual  
1192 allocation from the Florida Education Finance Program to each  
1193 district for operation of schools is not determined in the  
1194 annual appropriations act or the substantive bill implementing  
1195 the annual appropriations act, it shall be determined as  
1196 follows:

1197 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1198 OPERATION.—The following procedure shall be followed in  
1199 determining the annual allocation to each district for  
1200 operation:

1201 (m) Calculation of additional full-time equivalent  
1202 membership based on International Baccalaureate examination  
1203 scores of students.—A value of 0.16 full-time equivalent student  
1204 membership shall be calculated for each student enrolled in an  
1205 International Baccalaureate course who receives a score of 4 or  
1206 higher on a subject examination. A value of 0.3 full-time  
1207 equivalent student membership shall be calculated for each  
1208 student who receives an International Baccalaureate diploma.  
1209 Such value shall be added to the total full-time equivalent  
1210 student membership in basic programs for grades 9 through 12 in  
1211 the subsequent fiscal year. Each school district shall allocate  
1212 80 percent of the funds received from International  
1213 Baccalaureate bonus FTE funding to the school program whose  
1214 students generate the funds and to school programs that prepare  
1215 prospective students to enroll in International Baccalaureate  
1216 courses. Funds shall be expended solely for the payment of  
1217 allowable costs associated with the International Baccalaureate

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1218 program. Allowable costs include International Baccalaureate  
1219 annual school fees; International Baccalaureate examination  
1220 fees; salary, benefits, and bonuses for teachers and program  
1221 coordinators for the International Baccalaureate program and  
1222 teachers and coordinators who prepare prospective students for  
1223 the International Baccalaureate program; supplemental books;  
1224 instructional supplies; instructional equipment or instructional  
1225 materials for International Baccalaureate courses; other  
1226 activities that identify prospective International Baccalaureate  
1227 students or prepare prospective students to enroll in  
1228 International Baccalaureate courses; and training or  
1229 professional development for International Baccalaureate  
1230 teachers. School districts shall allocate the remaining 20  
1231 percent of the funds received from International Baccalaureate  
1232 bonus FTE funding for programs that assist academically  
1233 disadvantaged students to prepare for more rigorous courses. The  
1234 school district shall distribute to each classroom teacher who  
1235 provided International Baccalaureate instruction:

1236 1. A bonus in the amount of \$50 for each student taught by  
1237 the International Baccalaureate teacher in each International  
1238 Baccalaureate course who receives a score of 4 or higher on the  
1239 International Baccalaureate examination.

1240 2. An additional bonus of \$500 to each International  
1241 Baccalaureate teacher in a school designated with a grade of "D"  
1242 or "F" who has at least one student scoring 4 or higher on the  
1243 International Baccalaureate examination, regardless of the  
1244 number of classes taught or of the number of students scoring a  
1245 4 or higher on the International Baccalaureate examination.

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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

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1274 annually. If the appropriation is insufficient to fully fund the  
1275 total calculation, the appropriation shall be prorated.

1276 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
1277 Legislature shall prescribe the aggregate required local effort  
1278 for all school districts collectively as an item in the General  
1279 Appropriations Act for each fiscal year. The amount that each  
1280 district shall provide annually toward the cost of the Florida  
1281 Education Finance Program for kindergarten through grade 12  
1282 programs shall be calculated as follows:

1283 (a) Estimated taxable value calculations.—

1284 1.a. Not later than 2 working days prior to July 19, the  
1285 Department of Revenue shall certify to the Commissioner of  
1286 Education its most recent estimate of the taxable value for  
1287 school purposes in each school district and the total for all  
1288 school districts in the state for the current calendar year  
1289 based on the latest available data obtained from the local  
1290 property appraisers. The value certified shall be the taxable  
1291 value for school purposes for that year, and no further  
1292 adjustments shall be made, except those made pursuant to  
1293 paragraphs (c) and (d), or an assessment roll change required by  
1294 final judicial decisions as specified in paragraph (12)(b). Not  
1295 later than July 19, the Commissioner of Education shall compute  
1296 a millage rate, rounded to the next highest one one-thousandth  
1297 of a mill, which, when applied to 96 ~~95~~ percent of the estimated  
1298 state total taxable value for school purposes, would generate  
1299 the prescribed aggregate required local effort for that year for  
1300 all districts. The Commissioner of Education shall certify to  
1301 each district school board the millage rate, computed as

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1302 prescribed in this subparagraph, as the minimum millage rate  
1303 necessary to provide the district required local effort for that  
1304 year.

1305       b. The General Appropriations Act shall direct the  
1306 computation of the statewide adjusted aggregate amount for  
1307 required local effort for all school districts collectively from  
1308 ad valorem taxes to ensure that no school district's revenue  
1309 from required local effort millage will produce more than 90  
1310 percent of the district's total Florida Education Finance  
1311 Program calculation as calculated and adopted by the  
1312 Legislature, and the adjustment of the required local effort  
1313 millage rate of each district that produces more than 90 percent  
1314 of its total Florida Education Finance Program entitlement to a  
1315 level that will produce only 90 percent of its total Florida  
1316 Education Finance Program entitlement in the July calculation.

1317       2. On the same date as the certification in sub-  
1318 subparagraph 1.a., the Department of Revenue shall certify to  
1319 the Commissioner of Education for each district:

1320       a. Each year for which the property appraiser has  
1321 certified the taxable value pursuant to s. 193.122(2) or (3), if  
1322 applicable, since the prior certification under sub-subparagraph  
1323 1.a.

1324       b. For each year identified in sub-subparagraph a., the  
1325 taxable value certified by the appraiser pursuant to s.  
1326 193.122(2) or (3), if applicable, since the prior certification  
1327 under sub-subparagraph 1.a. This is the certification that  
1328 reflects all final administrative actions of the value  
1329 adjustment board.

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1330 (b) Equalization of required local effort.—

1331 1. The Department of Revenue shall include with its  
1332 certifications provided pursuant to paragraph (a) its most  
1333 recent determination of the assessment level of the prior year's  
1334 assessment roll for each county and for the state as a whole.

1335 2. The Commissioner of Education shall adjust the required  
1336 local effort millage of each district for the current year,  
1337 computed pursuant to paragraph (a), as follows:

1338 a. The equalization factor for the prior year's assessment  
1339 roll of each district shall be multiplied by 96 ~~95~~ percent of  
1340 the taxable value for school purposes shown on that roll and by  
1341 the prior year's required local-effort millage, exclusive of any  
1342 equalization adjustment made pursuant to this paragraph. The  
1343 dollar amount so computed shall be the additional required local  
1344 effort for equalization for the current year.

1345 b. Such equalization factor shall be computed as the  
1346 quotient of the prior year's assessment level of the state as a  
1347 whole divided by the prior year's assessment level of the  
1348 county, from which quotient shall be subtracted 1.

1349 c. The dollar amount of additional required local effort  
1350 for equalization for each district shall be converted to a  
1351 millage rate, based on 96 ~~95~~ percent of the current year's  
1352 taxable value for that district, and added to the required local  
1353 effort millage determined pursuant to paragraph (a).

1354 3. Notwithstanding the limitations imposed pursuant to s.  
1355 1011.71(1), the total required local-effort millage, including  
1356 additional required local effort for equalization, shall be an  
1357 amount not to exceed 10 minus the maximum millage allowed as

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1358 nonvoted discretionary millage, exclusive of millage authorized  
1359 pursuant to s. 1011.71(2). Nothing herein shall be construed to  
1360 allow a millage in excess of that authorized in s. 9, Art. VII  
1361 of the State Constitution.

1362 4. For the purposes of this chapter, the term "assessment  
1363 level" means the value-weighted mean assessment ratio for the  
1364 county or state as a whole, as determined pursuant to s.  
1365 195.096, or as subsequently adjusted. However, for those parcels  
1366 studied pursuant to s. 195.096(3)(a)1. which are receiving the  
1367 assessment limitation set forth in s. 193.155, and for which the  
1368 assessed value is less than the just value, the department shall  
1369 use the assessed value in the numerator and the denominator of  
1370 such assessment ratio. In the event a court has adjudicated that  
1371 the department failed to establish an accurate estimate of an  
1372 assessment level of a county and recomputation resulting in an  
1373 accurate estimate based upon the evidence before the court was  
1374 not possible, that county shall be presumed to have an  
1375 assessment level equal to that of the state as a whole.

1376 5. If, in the prior year, taxes were levied against an  
1377 interim assessment roll pursuant to s. 193.1145, the assessment  
1378 level and prior year's nonexempt assessed valuation used for the  
1379 purposes of this paragraph shall be those of the interim  
1380 assessment roll.

1381 (6) CATEGORICAL FUNDS.—

1382 (b) If a district school board finds and declares in a  
1383 resolution adopted at a regular meeting of the school board that  
1384 the funds received for any of the following categorical  
1385 appropriations are urgently needed to maintain school board  
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1386 specified academic classroom instruction, the school board may  
1387 consider and approve an amendment to the school district  
1388 operating budget transferring the identified amount of the  
1389 categorical funds to the appropriate account for expenditure:

1390 1. Funds for student transportation.

1391 2. Funds for safe schools.

1392 3. Funds for supplemental academic instruction.

1393 4. Funds for research-based reading instruction.

1394 5. Funds for instructional materials if all instructional  
1395 material purchases necessary to provide updated materials  
1396 aligned to Next Generation Sunshine State Standards and  
1397 benchmarks and that meet statutory requirements of content and  
1398 learning have been completed for that fiscal year, but no sooner  
1399 than March 1, 2011 2010. Funds available after March 1 may be  
1400 used to purchase hardware for student instruction.

1401 (7) DETERMINATION OF SPARSITY SUPPLEMENT.-

1402 (d) Each district's allocation of sparsity supplement  
1403 funds shall be adjusted in the following manner:

1404 1. A maximum discretionary levy per FTE value for each  
1405 district shall be calculated by dividing the value of each  
1406 district's maximum discretionary levy by its FTE student count.

1407 2. A state average discretionary levy value per FTE shall  
1408 be calculated by dividing the total maximum discretionary levy  
1409 value for all districts by the state total FTE student count.

1410 3. A total potential funds per FTE for each district shall  
1411 be calculated by dividing the total potential funds, not  
1412 including Florida School Recognition Program funds, Merit Award  
1413 Program funds, and the minimum guarantee funds, for each

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1414 district by its FTE student count.

1415 4. A state average total potential funds per FTE shall be  
1416 calculated by dividing the total potential funds, not including  
1417 Florida School Recognition Program funds, Merit Award Program  
1418 funds, and the minimum guarantee funds, for all districts by the  
1419 state total FTE student count.

1420 5. For districts that have a levy value per FTE as  
1421 calculated in subparagraph 1. higher than the state average  
1422 calculated in subparagraph 2., a sparsity wealth adjustment  
1423 shall be calculated as the product of the difference between the  
1424 state average levy value per FTE calculated in subparagraph 2.  
1425 and the district's levy value per FTE calculated in subparagraph  
1426 1. and the district's FTE student count and -1. However, no  
1427 district shall have a sparsity wealth adjustment that, when  
1428 applied to the total potential funds calculated in subparagraph  
1429 3., would cause the district's total potential funds per FTE to  
1430 be less than the state average calculated in subparagraph 4.

1431 6. Each district's sparsity supplement allocation shall be  
1432 calculated by adding the amount calculated as specified in  
1433 paragraphs (a) and (b) and the wealth adjustment amount  
1434 calculated in this paragraph.

1435 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
1436 CURRENT OPERATION.—The total annual state allocation to each  
1437 district for current operation for the FEFP shall be distributed  
1438 periodically in the manner prescribed in the General  
1439 Appropriations Act.

1440 (a) If the funds appropriated for current operation of the  
1441 FEFP are not sufficient to pay the state requirement in full,  
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1442 the department shall prorate the available state funds to each  
1443 district in the following manner:

1444 1. Determine the percentage of proration by dividing the  
1445 sum of the total amount for current operation, as provided in  
1446 this paragraph for all districts collectively, and the total  
1447 district required local effort into the sum of the state funds  
1448 available for current operation and the total district required  
1449 local effort.

1450 2. Multiply the percentage so determined by the sum of the  
1451 total amount for current operation as provided in this paragraph  
1452 and the required local effort for each individual district.

1453 3. From the product of such multiplication, subtract the  
1454 required local effort of each district; and the remainder shall  
1455 be the amount of state funds allocated to the district for  
1456 current operation. However, no calculation subsequent to the  
1457 appropriation shall result in negative state funds for any  
1458 district.

1459 (13) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL  
1460 EFFORT.—Calculations required in this section shall be based on  
1461 95 percent of the taxable value for school purposes for fiscal  
1462 years prior to the 2010-2011 fiscal year.

1463 Section 26. Paragraph (a) of subsection (4) of section  
1464 1011.64, Florida Statutes, is amended to read:

1465 1011.64 School district minimum classroom expenditure  
1466 requirements.—

1467 (4) In order for the Department of Education to monitor  
1468 the implementation of this section, each school district which  
1469 is required to increase emphasis on classroom activities from  
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1470 operating funds pursuant to subsection (1) shall submit to the  
1471 department the following two reports in a format determined by  
1472 the department:

1473 (a) An initial report, which shall include the proposed  
1474 budget actions identified for increased classroom expenditures,  
1475 a description of how such actions are designed to improve  
1476 student achievement, and a copy of the published statement  
1477 required by s. 1011.03(2)(3). This report shall be submitted  
1478 within 30 days after final budget approval as provided in s.  
1479 200.065.

1480 Section 27. Section 1011.66, Florida Statutes, is amended  
1481 to read:

1482 1011.66 Distribution of FEFP funds.—The distribution of  
1483 FEFP funds shall be made in payments on or about the 10th and  
1484 26th of each month. ~~Upon the request of any school district~~  
1485 ~~whose net state FEFP funding is less than 60 percent of its~~  
1486 ~~gross state and local FEFP funding, the Department of Education~~  
1487 ~~shall distribute to that school district in the first quarter of~~  
1488 ~~the fiscal year an amount from the funds appropriated for the~~  
1489 ~~FEFP in the General Appropriations Act up to a maximum of 15~~  
1490 ~~percent of that school district's gross state and local FEFP~~  
1491 ~~funding or that school district's net state FEFP funding,~~  
1492 ~~whichever is less.~~

1493 Section 28. Subsection (1) of section 1011.67, Florida  
1494 Statutes, is amended to read:

1495 1011.67 Funds for instructional materials.—

1496 (1) The department is authorized to allocate and  
1497 distribute to each district an amount as prescribed annually by  
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1498 the Legislature for instructional materials for student  
1499 membership in basic and special programs in grades K-12, which  
1500 will provide for growth and maintenance needs. For purposes of  
1501 this subsection, unweighted full-time equivalent students  
1502 enrolled in the lab schools in state universities are to be  
1503 included as school district students and reported as such to the  
1504 department. ~~These funds shall be distributed to school districts~~  
1505 ~~as follows: 50 percent on or about July 10; 35 percent on or~~  
1506 ~~about October 10; 10 percent on or about January 10; and 5~~  
1507 ~~percent on or about June 10.~~ The annual allocation shall be  
1508 determined as follows:

1509 (a) The growth allocation for each school district shall  
1510 be calculated as follows:

1511 1. Subtract from that district's projected full-time  
1512 equivalent membership of students in basic and special programs  
1513 in grades K-12 used in determining the initial allocation of the  
1514 Florida Education Finance Program, the prior year's full-time  
1515 equivalent membership of students in basic and special programs  
1516 in grades K-12 for that district.

1517 2. Multiply any such increase in full-time equivalent  
1518 student membership by the allocation for a set of instructional  
1519 materials, as determined by the department, or as provided for  
1520 in the General Appropriations Act.

1521 3. The amount thus determined shall be that district's  
1522 initial allocation for growth for the school year. However, the  
1523 department shall recompute and adjust the initial allocation  
1524 based on actual full-time equivalent student membership data for  
1525 that year.

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1526 (b) The maintenance of the instructional materials  
1527 allocation for each school district shall be calculated by  
1528 multiplying each district's prior year full-time equivalent  
1529 membership of students in basic and special programs in grades  
1530 K-12 by the allocation for maintenance of a set of instructional  
1531 materials as provided for in the General Appropriations Act. The  
1532 amount thus determined shall be that district's initial  
1533 allocation for maintenance for the school year; however, the  
1534 department shall recompute and adjust the initial allocation  
1535 based on such actual full-time equivalent student membership  
1536 data for that year.

1537 (c) In the event the funds appropriated are not sufficient  
1538 for the purpose of implementing this subsection in full, the  
1539 department shall prorate the funds available for instructional  
1540 materials after first funding in full each district's growth  
1541 allocation.

1542 Section 29. Subsection (2) of section 1011.68, Florida  
1543 Statutes, is amended to read:

1544 1011.68 Funds for student transportation.—The annual  
1545 allocation to each district for transportation to public school  
1546 programs, including charter schools as provided in s.  
1547 1002.33(17)(b), of students in membership in kindergarten  
1548 through grade 12 and in migrant and exceptional student programs  
1549 below kindergarten shall be determined as follows:

1550 (2) The allocation for each district shall be calculated  
1551 annually in accordance with the following formula:

1552  $T = B + EX$ . The elements of this formula are defined as  
1553 follows: T is the total dollar allocation for transportation. B  
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1554 is the base transportation dollar allocation prorated by an  
1555 adjusted student membership count. The adjusted membership count  
1556 shall be derived from a multiplicative index function in which  
1557 the base student membership is adjusted by multiplying it by  
1558 index numbers that individually account for the impact of the  
1559 price level index, average bus occupancy, and the extent of  
1560 rural population in the district. EX is the base transportation  
1561 dollar allocation for disabled students prorated by an adjusted  
1562 disabled student membership count. The base transportation  
1563 dollar allocation for disabled students is the total state base  
1564 disabled student membership count weighted for increased costs  
1565 associated with transporting disabled students and multiplying  
1566 it by an the prior year's average per student cost for  
1567 transportation as determined by the Legislature. The adjusted  
1568 disabled student membership count shall be derived from a  
1569 multiplicative index function in which the weighted base  
1570 disabled student membership is adjusted by multiplying it by  
1571 index numbers that individually account for the impact of the  
1572 price level index, average bus occupancy, and the extent of  
1573 rural population in the district. Each adjustment factor shall  
1574 be designed to affect the base allocation by no more or less  
1575 than 10 percent.

1576 Section 30. Paragraph (d) of subsection (2) and paragraph  
1577 (b) of subsection (3) of section 1011.71, Florida Statutes, are  
1578 amended to read:

1579 1011.71 District school tax.—

1580 (2) In addition to the maximum millage levy as provided in  
1581 subsection (1), each school board may levy not more than 1.5

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1582 mills against the taxable value for school purposes for district  
1583 schools, including charter schools at the discretion of the  
1584 school board, to fund:

1585 (d) ~~Effective July 1, 2008,~~ The purchase, lease-purchase,  
1586 or lease of new and replacement equipment; computer hardware,  
1587 including electronic hardware and other hardware devices  
1588 necessary for gaining access to or enhancing the use of  
1589 electronic content and resources or to facilitate the access to  
1590 and the use of a school district's electronic learning  
1591 management system pursuant to s. 1006.281, excluding software  
1592 other than the operating system necessary to operate the  
1593 hardware or device; and enterprise resource software  
1594 applications that are classified as capital assets in accordance  
1595 with definitions of the Governmental Accounting Standards Board,  
1596 have a useful life of at least 5 years, and are used to support  
1597 districtwide administration or state-mandated reporting  
1598 requirements.

1599 (3)

1600 (b) In addition to the millage authorized in this section,  
1601 each district school board may, by a super majority vote, levy  
1602 an additional 0.25 mills for critical capital outlay needs or  
1603 for critical operating needs. If levied for capital outlay,  
1604 expenditures shall be subject to the requirements of this  
1605 section. If levied for operations, expenditures shall be  
1606 consistent with the requirements for operating funds received  
1607 pursuant to s. 1011.62. If the district levies this additional  
1608 0.25 mills for operations, the compression adjustment pursuant  
1609 to s. 1011.62(5) shall be calculated and added to the district's  
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1610 FEFP allocation. Millage levied pursuant to this paragraph is  
1611 subject to the provisions of s. 200.065. In order to be  
1612 continued after the 2010-2011 fiscal year, millage levied  
1613 pursuant to this paragraph must be approved by the voters of the  
1614 district at the 2010 ~~next~~ general election or at a subsequent  
1615 election held at any time, except that not more than one such  
1616 election shall be held during any 12-month period. Any millage  
1617 so authorized shall be levied for a period not in excess of 2  
1618 years or until changed by another millage election, whichever is  
1619 earlier. If any such election is invalidated by a court of  
1620 competent jurisdiction, such invalidated election shall be  
1621 considered not to have been held.

1622 Section 31. Subsection (2) of section 1011.73, Florida  
1623 Statutes, is amended to read:

1624 1011.73 District millage elections.—

1625 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district  
1626 school board, pursuant to resolution adopted at a regular  
1627 meeting, shall direct the county commissioners to call an  
1628 election at which the electors within the school district may  
1629 approve an ad valorem tax millage as authorized under s.  
1630 1011.71(9)(~~8~~). Such election may be held at any time, except  
1631 that not more than one such election shall be held during any  
1632 12-month period. Any millage so authorized shall be levied for a  
1633 period not in excess of 4 years or until changed by another  
1634 millage election, whichever is earlier. If any such election is  
1635 invalidated by a court of competent jurisdiction, such  
1636 invalidated election shall be considered not to have been held.

1637 Section 32. Paragraph (g) of subsection (3) of section  
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1638 1012.33, Florida Statutes, is amended to read:

1639 1012.33 Contracts with instructional staff, supervisors,  
1640 and school principals.—

1641 (3)

1642 (g) Beginning July 1, 2001, for each employee who enters  
1643 into a written contract, pursuant to this section, in a school  
1644 district in which the employee was not employed as of June 30,  
1645 2001, or was employed as of June 30, 2001, but has since broken  
1646 employment with that district for 1 school year or more, for  
1647 purposes of pay, a district school board must recognize and  
1648 accept each year of full-time public school teaching service  
1649 earned in the State of Florida for which the employee received a  
1650 satisfactory performance evaluation; however, an employee may  
1651 voluntarily waive this provision. Instructional personnel  
1652 employed pursuant to s. 121.091(9)(b) and (c) are exempt from  
1653 the provisions of this paragraph.

1654 Section 33. Paragraph (a) of subsection (7) of section  
1655 1012.467, Florida Statutes, is amended to read:

1656 1012.467 Noninstructional contractors who are permitted  
1657 access to school grounds when students are present; background  
1658 screening requirements.—

1659 (7)(a) The Department of Law Enforcement shall implement a  
1660 system that allows for the results of a criminal history check  
1661 provided to a school district to be shared with other school  
1662 districts through a secure Internet website or other secure  
1663 electronic means. The Department of Law Enforcement may adopt  
1664 rules under ss. 120.536(1) and 120.54 to implement this  
1665 paragraph. School districts must accept reciprocity of level 2  
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1666 screenings for Florida High School Athletic Association  
1667 officials.

1668 Section 34. Subsection (1) of section 1012.55, Florida  
1669 Statutes, is amended to read:

1670 1012.55 Positions for which certificates required.—

1671 (1) The State Board of Education shall classify school  
1672 services, designate the certification subject areas, establish  
1673 competencies, including the use of technology to enhance student  
1674 learning, and certification requirements for all school-based  
1675 personnel, and adopt rules in accordance with which the  
1676 professional, temporary, and part-time certificates shall be  
1677 issued by the Department of Education to applicants who meet the  
1678 standards prescribed by such rules for their class of service.  
1679 Each person employed or occupying a position as school  
1680 supervisor, school principal, teacher, library media specialist,  
1681 school counselor, athletic coach, or other position in which the  
1682 employee serves in an instructional capacity, in any public  
1683 school of any district of this state shall hold the certificate  
1684 required by law and by rules of the State Board of Education in  
1685 fulfilling the requirements of the law for the type of service  
1686 rendered. Such positions include personnel providing direct  
1687 instruction to students through a virtual environment or through  
1688 a blended virtual and physical environment. The Department of  
1689 Education shall identify appropriate educator certification for  
1690 the instruction of specified courses in an annual publication of  
1691 a directory of course code numbers for all programs and courses  
1692 that are funded through the Florida Education Finance Program.  
1693 However, the state board shall adopt rules authorizing district  
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1694 school boards to employ selected noncertificated personnel to  
1695 provide instructional services in the individuals' fields of  
1696 specialty or to assist instructional staff members as education  
1697 paraprofessionals.

1698 Section 35. Paragraph (a) of subsection (1) of section  
1699 1013.62, Florida Statutes, is amended to read:

1700 1013.62 Charter schools capital outlay funding.-

1701 (1) In each year in which funds are appropriated for  
1702 charter school capital outlay purposes, the Commissioner of  
1703 Education shall allocate the funds among eligible charter  
1704 schools.

1705 (a) To be eligible for a funding allocation, a charter  
1706 school must:

1707 1.a. Have been in operation for 3 or more years;

1708 b. Be governed by a governing board established in the  
1709 state for 3 or more years which operates both charter schools  
1710 and conversion charter schools within the state;

1711 c. Be an expanded feeder chain of a charter school within  
1712 the same school district that is currently receiving charter  
1713 school capital outlay funds; ~~or~~

1714 d. Have been accredited by the Commission on Schools of  
1715 the Southern Association of Colleges and Schools; or

1716 e. Serve students in facilities that are provided by a  
1717 business partner for a charter school-in-the-workplace pursuant  
1718 to s. 1002.33(15)(b).

1719 2. Have financial stability for future operation as a  
1720 charter school.

1721 3. Have satisfactory student achievement based on state  
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1722 accountability standards applicable to the charter school.

1723 4. Have received final approval from its sponsor pursuant  
1724 to s. 1002.33 for operation during that fiscal year.

1725 5. Serve students in facilities that are not provided by  
1726 the charter school's sponsor.

1727 Section 36. Special Facility Construction Account study.-  
1728 The Office of Program Policy Analysis and Government  
1729 Accountability (OPPAGA) shall conduct a study of the Special  
1730 Facility Construction Account program to examine the  
1731 effectiveness of s. 1013.64(2), Florida Statutes, and shall  
1732 provide recommendations. The study shall examine the criteria to  
1733 determine program eligibility; the criteria to determine project  
1734 eligibility; the procedures used to evaluate potential projects;  
1735 the procedures for determining the priority list; and whether,  
1736 historically, the funded projects were needed by the districts  
1737 based on student enrollment data, age, and usefulness of  
1738 district facilities at the time of the request, on the  
1739 district's educational plant survey, or on other relevant  
1740 information. OPPAGA should also make recommendations for  
1741 improving the process of providing appropriations for projects  
1742 under the Special Facility Construction Account. OPPAGA shall  
1743 submit the results of the study to the President of the Senate,  
1744 the Speaker of the House of Representatives, and the Executive  
1745 Office of the Governor no later than January 31, 2011.

1746 Section 37. The Commissioner of Education is authorized to  
1747 administer a one-time student transportation survey for the  
1748 Jefferson County School District to serve as a substitute for  
1749 the statewide, scheduled October and February surveys which were  
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1750 omitted by the district. The survey process shall be conducted  
1751 according to standard survey procedures, and the result shall be  
1752 incorporated into the 2009-2010 student transportation final  
1753 calculation. Notwithstanding the requirements of s. 1011.68(5),  
1754 Florida Statutes, from the funds generated from the  
1755 transportation survey, the school district shall use \$50,000 to  
1756 contract for consulting services to assist in the management of  
1757 school district operations for 2010-2011. The consultant or  
1758 consulting group shall be approved by the Commissioner of  
1759 Education.

1760 Section 38. There is appropriated \$21,244,177 in  
1761 nonrecurring funds from the General Revenue Fund for the 2010-  
1762 2011 fiscal year to award bonuses to effective teachers through  
1763 the Dale Hickam Excellent Teaching Program pursuant to s.  
1764 1012.72, Florida Statutes.

1765 Section 39. Except as otherwise expressly provided in this  
1766 act, this act shall take effect July 1, 2010.

1767

1768

1769 **T I T L E A M E N D M E N T**

1770 Remove the entire title and insert:

1771 A bill to be entitled

1772 An act relating to prekindergarten through grade 12  
1773 education funding; amending s. 212.055, F.S.; deleting the  
1774 requirement that a district school board imposing the  
1775 school capital outlay surtax implement a freeze on  
1776 noncapital local school property taxes; amending s.  
1777 216.292, F.S.; deleting provisions relating to the

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1778 transfer of certain funds for class size reduction;  
1779 amending s. 1001.395, F.S.; extending the duration of a  
1780 provision specifying methods to calculate the salary of a  
1781 district school board member; amending s. 1001.451, F.S.;  
1782 revising provisions relating to the appropriation of funds  
1783 for regional consortium service organizations; amending s.  
1784 1002.32, F.S.; revising and correcting a calculation  
1785 relating to funding for lab school operating purposes;  
1786 amending s. 1002.33, F.S.; requiring a charter school to  
1787 be in compliance with maximum class size requirements  
1788 based on the school-level average; revising provisions  
1789 that exempt charter school facilities from certain fees;  
1790 providing that certain capital outlay funds shared with a  
1791 charter school-in-the-workplace have met expenditure  
1792 requirements; revising provisions relating to the  
1793 withholding and use of an administrative fee for provision  
1794 of services by the sponsor of a charter school; amending  
1795 s. 1002.37, F.S.; revising and correcting a calculation  
1796 relating to funding for Florida Virtual School operating  
1797 purposes; amending s. 1002.39, F.S.; revising provisions  
1798 relating to private school documentation for quarterly  
1799 scholarship payments under the John M. McKay Scholarships  
1800 for Students with Disabilities Program; amending s.  
1801 1002.45, F.S.; providing for school district virtual  
1802 instruction programs to include programs offered by  
1803 community colleges; requiring that community college  
1804 instructors meet certain certification requirements;  
1805 providing an additional condition by which a student may

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1806 become eligible to enroll in a school district virtual  
1807 instruction program; prohibiting a community college from  
1808 reporting students served in a school district virtual  
1809 instruction program for funding under the Community  
1810 College Program Fund; removing obsolete provisions  
1811 requiring a report; amending s. 1002.71, F.S.; reducing  
1812 the amount of funds that an early learning coalition may  
1813 retain for administrative purposes from funds paid to  
1814 private prekindergarten providers and public schools;  
1815 amending s. 1003.03, F.S.; requiring the Department of  
1816 Education to annually calculate class size measures;  
1817 requiring district school boards to hold public hearings  
1818 and provide information to parents on district strategies  
1819 to meet class size requirements; deleting obsolete  
1820 provisions; revising implementation options; revising  
1821 requirements for the Department of Education with respect  
1822 to the calculation of class size and the reduction and  
1823 reallocation of certain funds; requiring districts that  
1824 have not complied with class size requirements to submit a  
1825 plan that describes actions for compliance; providing for  
1826 alternative class size measures, implementation,  
1827 calculations, and accountability to take effect upon  
1828 approval of an amendment to the State Constitution by the  
1829 electors of the state; providing for retroactive effect;  
1830 amending s. 1003.42, F.S.; requiring instructional  
1831 materials relating to the history of African Americans to  
1832 include certain information; amending s. 1003.492, F.S.;

1833 clarifying the duties of the Department of Education in

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1834 approving the list of industry certifications for career  
1835 education programs; amending s. 1003.52, F.S.; providing  
1836 that certain requirements relating to educational services  
1837 in Department of Juvenile Justice programs shall be  
1838 implemented to the extent funds are available; amending s.  
1839 1004.925, F.S.; revising provisions relating to the  
1840 certification of automotive service technology education  
1841 programs; providing a restriction on funding; amending s.  
1842 1006.28, F.S.; redefining the term "adequate instructional  
1843 materials" to include electronic content; creating s.  
1844 1006.281, F.S.; encouraging school districts to provide  
1845 access to an electronic learning management system for  
1846 teachers, students, and parents; specifying the  
1847 functionality of such a system; requiring the Department  
1848 of Education to assist school districts in deploying an  
1849 electronic learning management system; amending s.  
1850 1006.29, F.S.; providing that instructional materials  
1851 include electronic content; requiring that a publisher or  
1852 manufacturer providing instructional materials as a single  
1853 bundle make the materials available separately and priced  
1854 individually; requiring that instructional materials  
1855 adopted after a specified date for students in grades 9  
1856 through 12 be provided in an electronic format; amending  
1857 s. 1006.33, F.S.; requiring that an advertisement for bids  
1858 for instructional materials require the bidder to furnish  
1859 electronic specimen copies of the materials; providing  
1860 requirements for requesting certain samples; amending s.  
1861 1006.40, F.S.; including electronic content as an approved

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1862 item of instruction; authorizing the use of funds for  
1863 electronic or computer hardware under certain  
1864 circumstances; amending s. 1007.27, F.S.; providing that  
1865 secondary school students are authorized users of the  
1866 state-funded electronic library resources licensed for  
1867 postsecondary institutions; requiring the State Board of  
1868 Education and the Board of Governors to adopt rules;  
1869 amending s. 1010.79, F.S.; providing for the use of funds  
1870 in the Sophomore Level Test Trust Fund; amending s.  
1871 1011.03, F.S.; requiring that a district school board post  
1872 its proposed millage levies online; revising the  
1873 requirements for publishing the proposed levies in a  
1874 newspaper; amending s. 1011.62, F.S.; providing for the  
1875 allocation and use of funds appropriated for the  
1876 International Baccalaureate program and for students who  
1877 complete an industry-certified career and professional  
1878 academy program; revising calculations for school district  
1879 required local effort; revising provisions relating to the  
1880 transfer of categorical funds for certain purposes;  
1881 authorizing a district school board to transfer certain  
1882 categorical funds for instructional materials; authorizing  
1883 the purchase of certain hardware; revising the calculation  
1884 for determination of a district's sparsity supplement;  
1885 providing that a calculation subsequent to an  
1886 appropriation does not result in negative state funds for  
1887 any district; providing for computation of prior year  
1888 district required local effort; amending s. 1011.64, F.S.;;  
1889 conforming a cross-reference; amending s. 1011.66, F.S.;

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1890 revising provisions relating to the distribution of FEFP  
1891 funds; amending s. 1011.67, F.S.; deleting certain  
1892 requirements for distribution of funds for instructional  
1893 materials to school districts; amending s. 1011.68, F.S.;  
1894 revising a calculation for allocation of funds to school  
1895 districts for student transportation; amending s. 1011.71,  
1896 F.S.; authorizing the use of capital improvement millage  
1897 for certain computer hardware and hardware devices;  
1898 requiring that the levy of certain school district millage  
1899 must be approved by voters at specified elections;  
1900 providing restrictions; amending s. 1011.73, F.S.;  
1901 correcting a cross-reference; amending s. 1012.33, F.S.;  
1902 exempting specified reemployed instructional personnel  
1903 from certain requirements for determining pay; amending s.  
1904 1012.467, F.S.; requiring school districts to accept  
1905 reciprocity of certain screening for Florida High School  
1906 Athletic Association officials; amending s. 1012.55, F.S.;  
1907 requiring certification for personnel providing direct  
1908 instruction to students through a virtual environment or  
1909 through a blended virtual and physical environment;  
1910 amending s. 1013.62, F.S.; authorizing capital outlay  
1911 funding for a charter school-in-the-workplace; requiring  
1912 the Office of Program Policy Analysis and Government  
1913 Accountability to conduct a study of the Special Facility  
1914 Construction Account program and make recommendations to  
1915 the Legislature and Governor; authorizing the Commissioner  
1916 of Education to administer a one-time student  
1917 transportation survey for the Jefferson County School

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1918 | District; providing for the use of funds to assist in the  
1919 | management of school district operations; providing an  
1920 | appropriation; providing effective dates.