

FOR CONSIDERATION By the Committee on Budget

576-02485N-11

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1 A bill to be entitled
2 An act relating to K-12 education funding; amending s.
3 213.053, F.S.; authorizing the Department of Revenue
4 to provide certain information regarding the gross
5 receipts tax to the State Board of Education, the
6 Division of Bond Finance, and the Office of Economic
7 and Demographic Research; amending s. 215.61, F.S.;
8 requiring that, for purposes of servicing public
9 education capital outlay bonds, the State Board of
10 Education disregard the effects on the gross receipts
11 tax revenues collected during a tax period of a refund
12 resulting from a specified settlement agreement;
13 amending s. 1001.25, F.S.; requiring that the
14 Department of Education provide a means of extending
15 educational services through educational television or
16 other electronic media; amending s. 1001.271, F.S.;
17 requiring that the Commissioner of Education
18 facilitate and coordinate the use of the Florida
19 Information Resource Network by school districts,
20 educational institutions in the Florida College
21 System, state universities, and other eligible users;
22 amending s. 1001.28, F.S.; deleting a reference to the
23 Florida Knowledge Network as it relates to the
24 department's distance learning duties; amending s.
25 1001.451, F.S.; revising provisions relating to
26 incentive grants for regional consortium service
27 organizations; amending s. 1002.33, F.S.; revising
28 provisions relating to charter schools; providing that
29 a charter school system may be designated as a local

576-02485N-11

20117128

30 educational agency for funding purposes if certain
31 requirements are met; amending s. 1002.34, F.S.;
32 conforming a cross-reference; amending s. 1003.01,
33 F.S.; redefining the terms "core-curricula courses"
34 and "extracurricular courses"; amending s. 1003.03,
35 F.S.; deleting a reference to the State Constitution
36 regarding class size maximums; requiring that class
37 size maximums be satisfied on or before the October
38 student membership survey each year; requiring that
39 the class size maximums be maintained after the
40 October student membership survey unless certain
41 conditions occur; providing that a student who enrolls
42 in a school after the October student membership
43 survey may be assigned to classes that temporarily
44 exceed class size maximums if the school board
45 determines that not assigning the student would be
46 impractical, educationally unsound, or disruptive to
47 student learning; providing for a specified number of
48 students to be assigned above the maximum if the
49 district school board makes this determination;
50 requiring that the district school board develop a
51 plan providing that the school will be in full
52 compliance with the maximum class size requirements by
53 the next October student membership survey; amending
54 s. 1004.02, F.S.; revising the definition of the term
55 "adult student"; creating s. 1006.282, F.S.;
56 authorizing each district school board to designate
57 schools to implement a pilot program for the
58 transition to instructional materials in an electronic

576-02485N-11

20117128__

59 or digital format; providing definitions; providing
60 requirements for the designation of pilot schools;
61 providing exemptions for such schools; requiring that
62 the district school board report to the department by
63 a specified date each year; requiring that the report
64 include certain information; requiring that each
65 district school board submit a review of the pilot
66 program to the department, the Executive Office of the
67 Governor, and the chairs of the legislative
68 appropriations committees by a specified date each
69 year; amending s. 1011.62, F.S.; revising provisions
70 relating to district funding for the operation of
71 schools; deleting provisions relating to the
72 coenrollment of high school students; providing the
73 maximum full-time equivalent membership value for
74 students completing an industry-certified career and
75 professional academy program; requiring that the
76 Department of Education assign the appropriate full-
77 time equivalent value for each certification based on
78 rigor and employment value; requiring that the State
79 Board of Education include the assigned values in the
80 Industry Certification Funding List under rules
81 adopted by the state board; creating s. 1011.621,
82 F.S.; requiring that the Department of Education, upon
83 request by a school district and verification by the
84 Department of Juvenile Justice, direct a school
85 district receiving funds through the Florida Education
86 Finance Program to transfer a pro rata share of the
87 funds to another district that served the same

576-02485N-11

20117128__

88 students during the same survey period but were unable
89 to report the students for funding purposes; requiring
90 that the amount of the transfer be based on the
91 percentage of the survey period in which the students
92 were served by each district; amending s. 1011.685,
93 F.S.; revising provisions relating to class size
94 reduction operational categorical funds; authorizing a
95 school district that meets the maximum class size
96 requirement to use the funds for any lawful operating
97 expenditure; amending s. 1011.71, F.S.; revising
98 provisions relating to the district school tax;
99 providing for future expiration of provisions relating
100 to additional millage levied by district school
101 boards; authorizing district school boards to levy
102 additional millage if approved by the voters;
103 providing that the local funds generated by the
104 additional millage not be included in the calculation
105 of funding through the Florida Education Finance
106 Program; amending s. 1012.225, F.S.; discontinuing
107 state funding for the Merit Award Program for
108 Instructional Personnel and School-Based
109 Administrators; amending s. 1013.737, F.S.; changing
110 the name of the Class Size Reduction Lottery Revenue
111 Bond Program to the Class Size Reduction and
112 Educational Facilities Lottery Revenue Bond Program;
113 authorizing the issuance of educational facilities
114 bonds; adopting by reference the alternate compliance
115 calculation amounts to the class size operating
116 categorical, as submitted by the Governor on behalf of

576-02485N-11

20117128__

117 the Department of Education for approval by the
118 Legislative Budget Commission; requiring that the
119 Commissioner of Education modify payments to school
120 districts for the 2010-2011 fiscal year consistent
121 with the amendment; providing effective dates.
122

123 Be It Enacted by the Legislature of the State of Florida:
124

125 Section 1. Paragraph (dd) is added to subsection (8) of
126 section 213.053, Florida Statutes, as amended by chapter 2010-
127 280, Laws of Florida, to read:

128 213.053 Confidentiality and information sharing.-

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

131 (dd) Information relative to s. 215.61(6) to the State
132 Board of Education, the Division of Bond Finance, and the Office
133 of Economic and Demographic Research.
134

135 Disclosure of information under this subsection shall be
136 pursuant to a written agreement between the executive director
137 and the agency. Such agencies, governmental or nongovernmental,
138 shall be bound by the same requirements of confidentiality as
139 the Department of Revenue. Breach of confidentiality is a
140 misdemeanor of the first degree, punishable as provided by s.
141 775.082 or s. 775.083.

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

144 215.61 State system of public education capital outlay
145 bonds.-

576-02485N-11

20117128

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

158 Section 3. Paragraph (b) of subsection (2) of section
159 1001.25, Florida Statutes, is amended to read:

160 1001.25 Educational television.—

161 (2) POWERS OF DEPARTMENT.—

162 (b) The department shall provide through educational
163 television or ~~and~~ other electronic media a means of extending
164 educational services to all the state system of public
165 education, except the state universities, which provision by the
166 department is limited by paragraph (c) and by s. 1001.26(1). The
167 department shall recommend to the State Board of Education rules
168 necessary to provide such services.

169 Section 4. Section 1001.271, Florida Statutes, is amended
170 to read:

171 1001.271 Florida Information Resource Network.—The
172 Commissioner of Education shall facilitate and coordinate the
173 use of the Florida Information Resource Network by school
174 districts, educational institutions in the Florida College

576-02485N-11

20117128__

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

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

193 1001.28 Distance learning duties.—The duties of the
194 Department of Education concerning distance learning include,
195 but are not limited to, the duty to:

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

200
201 Nothing in this section shall be construed to abrogate,
202 supersede, alter, or amend the powers and duties of any state
203 agency, district school board, community college board of

576-02485N-11

20117128

204 trustees, university board of trustees, the Board of Governors,
205 or the State Board of Education.

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

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

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

224 Section 7. Subsection (19) of section 1002.33, Florida
225 Statutes, is amended, present subsections (25) and (26) of that
226 section are redesignated as subsections (26) and (27),
227 respectively, and a new subsection (25) is added to that
228 section, to read:

229 1002.33 Charter schools.—

230 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
231 for capital outlay funds pursuant to s. 1013.62. Capital outlay
232 funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 that have been

576-02485N-11

20117128

233 shared with a charter school-in-the-workplace prior to July 1,
234 2010, are deemed to have met the authorized expenditure
235 requirements for such funds.

236 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
237 SCHOOL SYSTEMS.—A charter school system shall be considered a
238 local educational agency for the purpose of receiving federal
239 funds, the same as though the charter school system were a
240 school district, if the governing board of the charter school
241 system has adopted and filed a resolution with its sponsoring
242 district school board and the Department of Education in which
243 the governing board of the charter school system accepts the
244 full responsibility for all local education agency requirements
245 and the charter school system meets all of the following.

246 (a) Includes both conversion charter schools and
247 nonconversion charter schools;

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

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

251 (d) Has the same governing board; and

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

254
255 Such designation shall not apply to other provisions unless
256 specifically provided in law.

257 Section 8. Subsection (13) of section 1002.34, Florida
258 Statutes, is amended to read:

259 1002.34 Charter technical career centers.—

260 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
261 of a center may decide matters relating to the operation of the

576-02485N-11

20117128__

262 school, including budgeting, curriculum, and operating
263 procedures, subject to the center's charter. The board of
264 directors is responsible for performing the duties provided in
265 s. 1002.345, including monitoring the corrective action plan.
266 The board of directors must comply with s. 1002.33(26) ~~s.~~
267 ~~1002.33(25)~~.

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

270 1003.01 Definitions.—As used in this chapter, the term:

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

272 (a) Language arts/reading, mathematics, and science courses
273 in prekindergarten through grade 3;

274 (b) Courses in grades 4 through 8 in subjects that are
275 measured by state assessment at any grade level;

276 (c) Courses in grades 9 through 12 in subjects that are
277 measured by state assessment at any grade level;

278 (d) Courses that are specifically identified by name in
279 statute as required for high school graduation and that are not
280 measured by state assessment, excluding any extracurricular
281 courses;

282 (e) Exceptional student education courses; and

283 (f) English for Speakers of Other Languages courses.

284 ~~courses defined by the Department of Education as mathematics,~~
285 ~~language arts/reading, science, social studies, foreign~~
286 ~~language, English for Speakers of Other Languages, exceptional~~
287 ~~student education, and courses taught in traditional self-~~
288 ~~contained elementary school classrooms.~~

289

290 The maximum number of students assigned to a core-curricula high

576-02485N-11

20117128__

291 school course in which a student in grades 4 through 8 is
292 enrolled shall be governed by the requirements in s.
293 1003.03(1)(c). The term is limited in meaning and used for the
294 sole purpose of designating classes that are subject to the
295 maximum class size requirements established in s. 1, Art. IX of
296 the State Constitution. This term does not include courses
297 offered under ss. 1002.37, 1002.415, and 1002.45.

298 (15) "Extracurricular courses" means all courses that are
299 not defined as "core-curricula courses," which may include, but
300 are not limited to, physical education, fine arts, performing
301 fine arts, ~~and~~ career education, and courses that may result in
302 college credit. The term is limited in meaning and used for the
303 sole purpose of designating classes that are not subject to the
304 maximum class size requirements established in s. 1, Art. IX of
305 the State Constitution.

306 Section 10. Subsections (1) and (2) of section 1003.03,
307 Florida Statutes, are amended to read:

308 1003.03 Maximum class size.—

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

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

318 (b) The maximum number of students assigned to each teacher
319 who is teaching core-curricula courses in public school

576-02485N-11

20117128

320 classrooms for grades 4 through 8 may not exceed 22 students.

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

324

325 These maximums shall be maintained after the October student
326 membership survey, except as provided in paragraph (2)(b) or due
327 to an extreme emergency beyond the control of the district
328 school board.

329 (2) IMPLEMENTATION.—

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

333 (b) A student who enrolls in a school after the October
334 student membership survey may be assigned to an existing class
335 that temporarily exceeds the maximum number of students in
336 subsection (1) if the district school board determines it to be
337 impractical, educationally unsound, or disruptive to student
338 learning to not assign the student to the class. If the district
339 school board makes this determination:

340 1. Up to three students may be assigned to a teacher in
341 kindergarten through grade 3 above the maximum as provided in
342 paragraph (1)(a);

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

346 3. The district school board shall develop a plan that
347 provides that the school will be in full compliance with the
348 maximum class size in subsection (1) by the next October student

576-02485N-11

20117128__

349 membership survey.

350 ~~(b) Prior to the adoption of the district school budget for~~
351 ~~2010-2011, each district school board shall hold public hearings~~
352 ~~and provide information to parents on the district's website,~~
353 ~~and through any other means by which the district provides~~
354 ~~information to parents and the public, on the district's~~
355 ~~strategies to meet the requirements in subsection (1).~~

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

358 1004.02 Definitions.—As used in this chapter:

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

363 Section 12. Section 1006.282, Florida Statutes, is created
364 to read:

365 1006.282 Transition to electronic and digital instructional
366 material pilot program.—

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

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

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

376 (b) "Digital format" means text-based or image-based
377 content in a form that provides the student with various

576-02485N-11

20117128

378 interactive functions; that can be searched, tagged,
379 distributed, and utilized for individualized or group learning;
380 that may include multimedia content such as video clips,
381 animations, or virtual reality; and that has the ability to be
382 accessed through the district's local instructional improvement
383 system or a variety of mobile, electronic, or digital devices.

384 (3) A school board may designate pilot schools only if the
385 school district:

386 (a) Has implemented a learning management system pursuant
387 to s. 1006.281, which also enables district and school staff to
388 plan, create, and manage professional development and to connect
389 professional development with staff information and student
390 performance; provides ability to seamlessly connect the system
391 to electronic and digital instructional materials and the
392 instructional materials to student assessment data; and includes
393 the minimum standards published by the Department of Education.

394 (b) Requests only the electronic format of the specimen
395 copies of instructional materials submitted pursuant to s.
396 1006.33.

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

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

403 (a) Section 1006.40(2)(a), if the school provides
404 comprehensive electronic or digital instructional materials to
405 the students within the pilot school; and

406 (b) Section 1006.37, relating to the requisition of

576-02485N-11

20117128

407 instructional materials from the publisher's depository.

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

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

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

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

419 (6) By September 1 of each year beginning in 2012, each
420 school board that has designated a pilot school must provide to
421 the Department of Education, the Executive Office of the
422 Governor, and the chairs of the appropriations committees of the
423 Senate and the House of Representatives a review of the pilot
424 school which must include, but need not limited be to:

425 (a) Successful practices;

426 (b) Lessons learned;

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

428 (d) Impacts on student performance.

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

432 1011.62 Funds for operation of schools.—If the annual
433 allocation from the Florida Education Finance Program to each
434 district for operation of schools is not determined in the
435 annual appropriations act or the substantive bill implementing

576-02485N-11

20117128__

436 the annual appropriations act, it shall be determined as
437 follows:

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

442 ~~(j) Coenrollment. If a high school student wishes to earn~~
443 ~~high school credits from a community college and enrolls in one~~
444 ~~or more adult secondary education courses at the community~~
445 ~~college, the community college shall be reimbursed for the costs~~
446 ~~incurred because of the high school student's coenrollment as~~
447 ~~provided in the General Appropriations Act.~~

448 (j) ~~(k)~~ *Instruction in exploratory career education.*—
449 Students in grades 7 through 12 who are enrolled for more than
450 four semesters in exploratory career education may not be
451 counted as full-time equivalent students for this instruction.

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

455 (l) ~~(m)~~ *Calculation of additional full-time equivalent*
456 *membership based on International Baccalaureate examination*
457 *scores of students.*—A value of 0.16 full-time equivalent student
458 membership shall be calculated for each student enrolled in an
459 International Baccalaureate course who receives a score of 4 or
460 higher on a subject examination. A value of 0.3 full-time
461 equivalent student membership shall be calculated for each
462 student who receives an International Baccalaureate diploma.
463 Such value shall be added to the total full-time equivalent
464 student membership in basic programs for grades 9 through 12 in

576-02485N-11

20117128__

465 the subsequent fiscal year. Each school district shall allocate
466 80 percent of the funds received from International
467 Baccalaureate bonus FTE funding to the school program whose
468 students generate the funds and to school programs that prepare
469 prospective students to enroll in International Baccalaureate
470 courses. Funds shall be expended solely for the payment of
471 allowable costs associated with the International Baccalaureate
472 program. Allowable costs include International Baccalaureate
473 annual school fees; International Baccalaureate examination
474 fees; salary, benefits, and bonuses for teachers and program
475 coordinators for the International Baccalaureate program and
476 teachers and coordinators who prepare prospective students for
477 the International Baccalaureate program; supplemental books;
478 instructional supplies; instructional equipment or instructional
479 materials for International Baccalaureate courses; other
480 activities that identify prospective International Baccalaureate
481 students or prepare prospective students to enroll in
482 International Baccalaureate courses; and training or
483 professional development for International Baccalaureate
484 teachers. School districts shall allocate the remaining 20
485 percent of the funds received from International Baccalaureate
486 bonus FTE funding for programs that assist academically
487 disadvantaged students to prepare for more rigorous courses. The
488 school district shall distribute to each classroom teacher who
489 provided International Baccalaureate instruction:

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

576-02485N-11

20117128__

494 2. An additional bonus of \$500 to each International
495 Baccalaureate teacher in a school designated with a grade of "D"
496 or "F" who has at least one student scoring 4 or higher on the
497 International Baccalaureate examination, regardless of the
498 number of classes taught or of the number of students scoring a
499 4 or higher on the International Baccalaureate examination.

500

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

505 (m) ~~(n)~~ *Calculation of additional full-time equivalent*
506 *membership based on Advanced International Certificate of*
507 *Education examination scores of students.*—A value of 0.16 full-
508 time equivalent student membership shall be calculated for each
509 student enrolled in a full-credit Advanced International
510 Certificate of Education course who receives a score of E or
511 higher on a subject examination. A value of 0.08 full-time
512 equivalent student membership shall be calculated for each
513 student enrolled in a half-credit Advanced International
514 Certificate of Education course who receives a score of E or
515 higher on a subject examination. A value of 0.3 full-time
516 equivalent student membership shall be calculated for each
517 student who receives an Advanced International Certificate of
518 Education diploma. Such value shall be added to the total full-
519 time equivalent student membership in basic programs for grades
520 9 through 12 in the subsequent fiscal year. The school district
521 shall distribute to each classroom teacher who provided Advanced
522 International Certificate of Education instruction:

576-02485N-11

20117128

523 1. A bonus in the amount of \$50 for each student taught by
524 the Advanced International Certificate of Education teacher in
525 each full-credit Advanced International Certificate of Education
526 course who receives a score of E or higher on the Advanced
527 International Certificate of Education examination. A bonus in
528 the amount of \$25 for each student taught by the Advanced
529 International Certificate of Education teacher in each half-
530 credit Advanced International Certificate of Education course
531 who receives a score of E or higher on the Advanced
532 International Certificate of Education examination.

533 2. An additional bonus of \$500 to each Advanced
534 International Certificate of Education teacher in a school
535 designated with a grade of "D" or "F" who has at least one
536 student scoring E or higher on the full-credit Advanced
537 International Certificate of Education examination, regardless
538 of the number of classes taught or of the number of students
539 scoring an E or higher on the full-credit Advanced International
540 Certificate of Education examination.

541 3. Additional bonuses of \$250 each to teachers of half-
542 credit Advanced International Certificate of Education classes
543 in a school designated with a grade of "D" or "F" which has at
544 least one student scoring an E or higher on the half-credit
545 Advanced International Certificate of Education examination in
546 that class. The maximum additional bonus for a teacher awarded
547 in accordance with this subparagraph shall not exceed \$500 in
548 any given school year. Teachers receiving an award under
549 subparagraph 2. are not eligible for a bonus under this
550 subparagraph.

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576-02485N-11

20117128__

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

556 (n) ~~(e)~~ *Calculation of additional full-time equivalent*
557 *membership based on college board advanced placement scores of*
558 *students.*—A value of 0.16 full-time equivalent student
559 membership shall be calculated for each student in each advanced
560 placement course who receives a score of 3 or higher on the
561 College Board Advanced Placement Examination for the prior year
562 and added to the total full-time equivalent student membership
563 in basic programs for grades 9 through 12 in the subsequent
564 fiscal year. Each district must allocate at least 80 percent of
565 the funds provided to the district for advanced placement
566 instruction, in accordance with this paragraph, to the high
567 school that generates the funds. The school district shall
568 distribute to each classroom teacher who provided advanced
569 placement instruction:

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

574 2. An additional bonus of \$500 to each Advanced Placement
575 teacher in a school designated with a grade of "D" or "F" who
576 has at least one student scoring 3 or higher on the College
577 Board Advanced Placement Examination, regardless of the number
578 of classes taught or of the number of students scoring a 3 or
579 higher on the College Board Advanced Placement Examination.

580

576-02485N-11

20117128

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

585 ~~(o) (p)~~ Calculation of additional full-time equivalent
586 membership based on certification of successful completion of
587 industry-certified career and professional academy programs
588 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
589 in the Industry Certified Funding List pursuant to rules adopted
590 by the State Board of Education.—A value of 0.1, 0.2, or 0.3
591 full-time equivalent student membership shall be calculated for
592 each student who completes an industry-certified career and
593 professional academy program under ss. 1003.491, 1003.492, and
594 1003.493 and who is issued the highest level of industry
595 certification identified annually in the Industry Certification
596 Funding List approved under rules adopted by the State Board of
597 Education and a high school diploma. The maximum full-time
598 equivalent student membership value for any student is 0.3. The
599 Department of Education shall assign the appropriate full-time
600 equivalent value for each certification, 50 percent of which is
601 based on rigor and the remaining 50 percent on employment value.
602 The State Board of Education shall include the assigned values
603 in the Industry Certification Funding List under rules adopted
604 by the state board. Rigor shall be based on the number of
605 instructional hours, including work experience hours, required
606 to earn the certification, with a bonus for industry
607 certifications that have a statewide articulation agreement for
608 college credit approved by the State Board of Education.
609 Employment value shall be based on the entry wage, growth rate

576-02485N-11

20117128__

610 in employment for each occupational category, and average annual
611 openings for the primary occupation linked to the industry
612 certification. Such value shall be added to the total full-time
613 equivalent student membership in secondary career education
614 programs for grades 9 through 12 in the subsequent year for
615 courses that were not funded through dual enrollment. The
616 additional full-time equivalent membership authorized under this
617 paragraph may not exceed 0.3 per student. Each district must
618 allocate at least 80 percent of the funds provided for industry
619 certification, in accordance with this paragraph, to the program
620 that generated the funds. Unless a different amount is specified
621 in the General Appropriations Act, the appropriation for this
622 calculation is limited to \$15 million annually. If the
623 appropriation is insufficient to fully fund the total
624 calculation, the appropriation shall be prorated.

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

631 (q) ~~(r)~~ *Year-round-school programs.*—The Commissioner of
632 Education is authorized to adjust student eligibility
633 definitions, funding criteria, and reporting requirements of
634 statutes and rules in order that year-round-school programs may
635 achieve equivalent application of funding requirements with non-
636 year-round-school programs.

637 (r) ~~(s)~~ *Extended-school-year program.*—It is the intent of
638 the Legislature that students be provided additional instruction

576-02485N-11

20117128__

639 by extending the school year to 210 days or more. Districts may
640 apply to the Commissioner of Education for funds to be used in
641 planning and implementing an extended-school-year program.

642 (s)~~(t)~~ *Determination of the basic amount for current*
643 *operation.*—The basic amount for current operation to be included
644 in the Florida Education Finance Program for kindergarten
645 through grade 12 for each district shall be the product of the
646 following:

647 1. The full-time equivalent student membership in each
648 program, multiplied by

649 2. The cost factor for each program, adjusted for the
650 maximum as provided by paragraph (c), multiplied by

651 3. The base student allocation.

652 (t)~~(u)~~ *Computation for funding through the Florida*
653 *Education Finance Program.*—The State Board of Education may
654 adopt rules establishing programs and courses for which the
655 student may earn credit toward high school graduation.

656 (6) CATEGORICAL FUNDS.—

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

665 1. Funds for student transportation.

666 2. Funds for safe schools.

667 3. Funds for supplemental academic instruction.

576-02485N-11

20117128

668 4. Funds for research-based reading instruction.

669 5. Funds for instructional materials if all instructional
670 material purchases necessary to provide updated materials
671 aligned to Next Generation Sunshine State Standards and
672 benchmarks and that meet statutory requirements of content and
673 learning have been completed for that fiscal year, but no sooner
674 than March 1, ~~2011~~. Funds available after March 1 may be used to
675 purchase hardware for student instruction.

676 Section 14. Section 1011.621, Florida Statutes, is created
677 to read:

678 1011.621 Adjustments for interdistrict transfers of
679 students in Department of Juvenile Justice detention facilities
680 within a survey period.—The Department of Education, upon the
681 request by a school district and verification by the Department
682 of Juvenile Justice, shall direct a school district that
683 receives Florida Education Finance Program funds attributed to a
684 membership survey for children in secure detention care pursuant
685 to chapter 985 to transfer a pro rata share of the funds to
686 another district that served the same students during the same
687 survey period but were unable to report the students for
688 funding. The amount of the funds transfer shall be based on the
689 percentage of the survey period in which the students were
690 served by each district.

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

693 1011.685 Class size reduction; operating categorical fund.—

694 (2) Class size reduction operating categorical funds shall
695 be used by school districts to reduce class size as required in
696 s. 1003.03. A school district that meets the maximum class size

576-02485N-11

20117128__

697 requirement may use the funds, ~~or the funds may be used~~ for any
698 lawful operating expenditure; however, priority shall be given
699 to increasing salaries of classroom teachers.

700 Section 16. Paragraph (b) of subsection (3) of section
701 1011.71, Florida Statutes, is amended, and paragraphs (c) and
702 (d) are added to that subsection, to read:

703 1011.71 District school tax.—

704 (3)

705 (b) In addition to the millage authorized in this section,
706 each district school board may, by a super majority vote, levy
707 an additional 0.25 mills for critical capital outlay needs or
708 for critical operating needs. If levied for capital outlay,
709 expenditures shall be subject to the requirements of this
710 section. If levied for operations, expenditures shall be
711 consistent with the requirements for operating funds received
712 pursuant to s. 1011.62. If the district levies this additional
713 0.25 mills for operations, the compression adjustment pursuant
714 to s. 1011.62(5) shall be calculated and added to the district's
715 FEFP allocation. Millage levied pursuant to this paragraph is
716 subject to the provisions of s. 200.065. In order to be
717 continued after the 2010-2011 fiscal year, millage levied
718 pursuant to this paragraph must be approved by the voters of the
719 district at the 2010 general election or at a subsequent
720 election held at any time, except that not more than one such
721 election shall be held during any 12-month period. Any millage
722 so authorized shall be levied for a period not in excess of 2
723 years or until changed by another millage election, whichever is
724 earlier. If any such election is invalidated by a court of
725 competent jurisdiction, such invalidated election shall be

576-02485N-11

20117128

726 considered not to have been held. The provisions of this
727 paragraph expire June 30, 2011.

728 (c) Local funds generated by the additional 0.25 mills
729 authorized in paragraph (b) and state funds provided pursuant to
730 s. 1011.62(5) may not be included in the calculation of the
731 Florida Education Finance Program in 2011-2012 or any subsequent
732 year and may not be incorporated in the calculation of any hold-
733 harmless or other component of the Florida Education Finance
734 Program in any year, except as provided in paragraph (d).

735 (d) For the 2011-2012 and 2012-2013 fiscal years, the 0.25
736 mills authorized in paragraph (b) may be levied by the districts
737 in which it was authorized by the voters in the 2010 general
738 election. If a district levies this voter-approved 0.25 mills
739 for operations, a compression adjustment pursuant to s.
740 1011.62(5) may be calculated and added to the district's Florida
741 Education Finance Program allocation, subject to determination
742 in the General Appropriations Act.

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

745 1012.225 Merit Award Program for Instructional Personnel
746 and School-Based Administrators.—

747 (8) EXPIRATION.—State funding pursuant to this section
748 shall be discontinued following payment of awards for the 2010-
749 2011 fiscal year.

750 Section 18. Section 1013.737, Florida Statutes, is amended
751 to read:

752 1013.737 The Class Size Reduction and Educational
753 Facilities Lottery Revenue Bond Program.—There is established
754 the Class Size Reduction and Educational Facilities Lottery

576-02485N-11

20117128__

755 Revenue Bond Program.

756 (1) The issuance of revenue bonds is authorized to finance
757 or refinance the construction, acquisition, reconstruction, or
758 renovation of educational facilities. Such bonds shall be issued
759 pursuant to and in compliance with the provisions of s. 11(d),
760 Art. VII of the State Constitution, the provisions of the State
761 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
762 this section.

763 (2) The bonds are payable from, and secured by a first lien
764 on, the first lottery revenues transferred to the Educational
765 Enhancement Trust Fund each fiscal year, as provided by s.
766 24.121(2), and do not constitute a general obligation of, or a
767 pledge of the full faith and credit of, the state.

768 (3) The state hereby covenants with the holders of such
769 revenue bonds that it will not take any action that will
770 materially and adversely affect the rights of such holders so
771 long as bonds authorized by this section are outstanding. The
772 state does hereby additionally authorize the establishment of a
773 covenant in connection with the bonds which provides that any
774 additional funds received by the state from new or enhanced
775 lottery programs; video gaming; banking card games, including
776 baccarat, chemin de fer, or blackjack; electronic or
777 electromechanical facsimiles of any game of chance; casino
778 games; slot machines; or other similar activities will first be
779 available for payments relating to bonds pledging revenues
780 available pursuant to s. 24.121(2), prior to use for any other
781 purpose.

782 (4) The bonds shall be issued by the Division of Bond
783 Finance of the State Board of Administration on behalf of the

576-02485N-11

20117128

784 Department of Education in such amount as shall be requested by
785 resolution of the State Board of Education. However, the total
786 principal amount of bonds, excluding refunding bonds, issued
787 pursuant to this section shall not exceed amounts specifically
788 authorized in the General Appropriations Act.

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

792 (6) The facilities to be financed with the proceeds of such
793 bonds are designated as state fixed capital outlay projects for
794 purposes of s. 11(d), Art. VII of the State Constitution, and
795 the specific facilities to be financed shall be determined in
796 accordance with state law and appropriations from the
797 Educational Enhancement Trust Fund. Projects shall be funded
798 from the Lottery Capital Outlay and Debt Service Trust Fund.
799 Each educational facility to be financed with the proceeds of
800 the bonds issued pursuant to this section is hereby approved as
801 required by s. 11(f), Art. VII of the State Constitution.

802 (7) Any complaint for validation of such bonds is required
803 to be filed only in the circuit court of the county where the
804 seat of state government is situated. The notice required to be
805 published by s. 75.06 is required to be published only in the
806 county where the complaint is filed, and the complaint and order
807 of the circuit court need be served only on the state attorney
808 of the circuit in which the action is pending.

809 (8) The Commissioner of Education shall provide for timely
810 encumbrances of funds for duly authorized projects. Encumbrances
811 may include proceeds to be received under a resolution approved
812 by the State Board of Education authorizing issuance of class

576-02485N-11

20117128__

813 size reduction lottery bonds or educational facilities bonds
814 pursuant to s. 11(d), Art. VII of the State Constitution, this
815 section, and other applicable law.

816 Section 19. Notwithstanding the required review by the
817 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
818 Florida Statutes, the Legislature hereby adopts by reference the
819 alternate compliance calculation amounts to the class size
820 operating categorical as set forth in Budget Amendment EOG
821 #02011-0074, as submitted on March 2, 2011, by the Governor on
822 behalf of the Department of Education for approval by the
823 Legislative Budget Commission. The Commissioner of Education
824 shall modify payments to school districts for the 2010-2011
825 fiscal year consistent with the amendment and s. 1003.03,
826 Florida Statutes. This section shall take effect upon this act
827 becoming a law.

828 Section 20. Except as otherwise expressly provided in this
829 act and except for this section, which shall take effect upon
830 this act becoming a law, this act shall take effect July 1,
831 2011.