

By the Committee on Budget

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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; authorizing regional consortium service
28 organizations to use various means to generate revenue
29 for future activities; amending s. 1002.33, F.S.;

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

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59 "adult student"; creating s. 1006.282, F.S.;

60 authorizing each district school board to designate

61 schools to implement a pilot program for the

62 transition to instructional materials in an electronic

63 or digital format; providing definitions; providing

64 requirements for the designation of pilot schools;

65 providing exemptions for such schools; requiring that

66 the district school board report to the department by

67 a specified date each year; requiring that the report

68 include certain information; requiring that each

69 district school board submit a review of the pilot

70 program to the department, the Executive Office of the

71 Governor, and the chairs of the legislative

72 appropriations committees by a specified date each

73 year; amending s. 1011.62, F.S.; revising provisions

74 relating to district funding for the operation of

75 schools; deleting provisions relating to the

76 coenrollment of high school students; providing the

77 maximum full-time equivalent membership value for

78 students completing an industry-certified career and

79 professional academy program; requiring that the

80 Department of Education assign the appropriate full-

81 time equivalent value for each certification based on

82 rigor and employment value; requiring that the State

83 Board of Education include the assigned values in the

84 Industry Certification Funding List under rules

85 adopted by the state board; creating s. 1011.621,

86 F.S.; requiring that the Department of Education, upon

87 request by a school district and verification by the

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Department of Juvenile Justice, direct a school district receiving funds through the Florida Education Finance Program to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding purposes; requiring that the amount of the transfer be based on the percentage of the survey period in which the students were served by each district; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operational categorical funds; authorizing a school district that meets the maximum class size requirement to use the funds for any lawful operating expenditure; amending s. 1011.71, F.S.; revising provisions relating to the district school tax; providing for future expiration of provisions relating to additional millage levied by district school boards; authorizing district school boards to levy additional millage if approved by the voters; providing that the local funds generated by the additional millage not be included in the calculation of funding through the Florida Education Finance Program; amending s. 1012.225, F.S.; discontinuing state funding for the Merit Award Program for Instructional Personnel and School-Based Administrators; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program;

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authorizing the issuance of educational facilities bonds; adopting by reference the alternate compliance calculation amounts to the class size operating categorical, as submitted by the Governor on behalf of the Department of Education for approval by the Legislative Budget Commission; requiring that the Commissioner of Education modify payments to school districts for the 2010-2011 fiscal year consistent with the amendment; providing effective dates.

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

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

213.053 Confidentiality and information sharing.—

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

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

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

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

148 215.61 State system of public education capital outlay
149 bonds.—

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

162 Section 3. Paragraph (b) of subsection (2) of section
163 1001.25, Florida Statutes, is amended to read:

164 1001.25 Educational television.—

165 (2) POWERS OF DEPARTMENT.—

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

173 Section 4. Section 1001.271, Florida Statutes, is amended
174 to read:

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175 1001.271 Florida Information Resource Network.—The
176 Commissioner of Education shall facilitate and coordinate the
177 use of the Florida Information Resource Network by school
178 districts, educational institutions in the Florida College
179 System, universities, and other eligible users. ~~Upon requisition~~
180 ~~by school districts, community colleges, universities, or other~~
181 ~~eligible users of the Florida Information Resource Network, the~~
182 ~~Commissioner of Education shall purchase the nondiscounted~~
183 ~~portion of Internet access services, including, but not limited~~
184 ~~to, circuits, encryption, content filtering, support, and any~~
185 ~~other services needed for the effective and efficient operation~~
186 ~~of the network. For the 2009-2010 fiscal year, each school~~
187 ~~district, the Florida School for the Deaf and the Blind, and the~~
188 ~~regional educational consortia eligible for the e-rate must~~
189 ~~submit a requisition to the Commissioner of Education for at~~
190 ~~least the same level of Internet access services used through~~
191 ~~the Florida Information Resource Network contract in the 2008-~~
192 ~~2009 fiscal year. Each user shall identify in its requisition~~
193 ~~the source of funds from which the commissioner is to make~~
194 ~~payments.~~

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

197 1001.28 Distance learning duties.—The duties of the
198 Department of Education concerning distance learning include,
199 but are not limited to, the duty to:

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

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

Section 6. Paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

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

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

(5) The board of directors of a regional consortium service organization may use various means to generate revenue in support of its activities. The board of directors may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks

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and any licenses and other rights or interests thereunder or
therein. Ownership of all such patents, copyrights, trademarks,
licenses, and rights or interests thereunder or therein shall
vest in the state, with the board of directors having full right
of use and full right to retain the revenues derived therefrom.
Any funds realized from patents, copyrights, trademarks, or
licenses shall be considered internal funds as provided in s.
1011.07. Such funds shall be used to support the organization's
marketing and research and development activities in order to
improve and increase services to its member districts.

Section 7. Paragraph (e) of subsection (10) and subsection
(19) of section 1002.33, Florida Statutes, are amended, present
subsections (25) and (26) of that section are redesignated as
subsections (26) and (27), respectively, and a new subsection
(25) is added to that section, to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only
to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or
academic failure. Such students shall include exceptional
education students.

3. Students enrolling in a charter school-in-the-workplace
or charter school-in-a-municipality established pursuant to
subsection (15).

4. Students residing within a reasonable distance of the
charter school, as described in paragraph (20)(c). Such students
shall be subject to a random lottery and to the racial/ethnic

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balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$10 million to be used as a charter school for the development. Students living in the development shall be entitled to 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations shall be filled in accordance with subparagraph 4.

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

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

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

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

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

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

(d) Has the same governing board; and

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

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

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

1002.34 Charter technical career centers.—

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

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320 school, including budgeting, curriculum, and operating
321 procedures, subject to the center's charter. The board of
322 directors is responsible for performing the duties provided in
323 s. 1002.345, including monitoring the corrective action plan.
324 The board of directors must comply with s. 1002.33(26) ~~s.~~
325 ~~1002.33(25)~~.

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

328 1003.01 Definitions.—As used in this chapter, the term:

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

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

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

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

336 (d) Courses that are specifically identified by name in
337 statute as required for high school graduation and that are not
338 measured by state assessment, excluding any extracurricular
339 courses;

340 (e) Exceptional student education courses; and

341 (f) English for Speakers of Other Languages courses.
342 ~~courses defined by the Department of Education as mathematics,~~
343 ~~language arts/reading, science, social studies, foreign~~
344 ~~language, English for Speakers of Other Languages, exceptional~~
345 ~~student education, and courses taught in traditional self-~~
346 ~~contained elementary school classrooms.~~

347
348 The maximum number of students assigned to a core-curricula high

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349 school course in which a student in grades 4 through 8 is
350 enrolled shall be governed by the requirements in s.
351 1003.03(1)(c). The term is limited in meaning and used for the
352 sole purpose of designating classes that are subject to the
353 maximum class size requirements established in s. 1, Art. IX of
354 the State Constitution. This term does not include courses
355 offered under ss. 1002.37, 1002.415, and 1002.45.

356 (15) "Extracurricular courses" means all courses that are
357 not defined as "core-curricula courses," which may include, but
358 are not limited to, physical education, fine arts, performing
359 fine arts, ~~and~~ career education, and courses that may result in
360 college credit. The term is limited in meaning and used for the
361 sole purpose of designating classes that are not subject to the
362 maximum class size requirements established in s. 1, Art. IX of
363 the State Constitution.

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

366 1003.03 Maximum class size.—

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

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

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

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

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

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

(2) IMPLEMENTATION.—

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

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

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

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

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

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membership survey.

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

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

1004.02 Definitions.—As used in this chapter:

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

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

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

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

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

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

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

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

442 (3) A school board may designate pilot schools only if the
443 school district:

444 (a) Has implemented a learning management system pursuant
445 to s. 1006.281, which also enables district and school staff to
446 plan, create, and manage professional development and to connect
447 professional development with staff information and student
448 performance; provides ability to seamlessly connect the system
449 to electronic and digital instructional materials and the
450 instructional materials to student assessment data; and includes
451 the minimum standards published by the Department of Education.

452 (b) Requests only the electronic format of the specimen
453 copies of instructional materials submitted pursuant to s.
454 1006.33.

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

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

461 (a) Section 1006.40(2)(a), if the school provides
462 comprehensive electronic or digital instructional materials to
463 the students within the pilot school; and

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

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instructional materials from the publisher's depository.

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

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

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

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

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

(a) Successful practices;

(b) Lessons learned;

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

(d) Impacts on student performance.

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

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

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

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

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

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

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

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

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the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

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

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

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

(m) ~~(n)~~ Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

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581 1. A bonus in the amount of \$50 for each student taught by
582 the Advanced International Certificate of Education teacher in
583 each full-credit Advanced International Certificate of Education
584 course who receives a score of E or higher on the Advanced
585 International Certificate of Education examination. A bonus in
586 the amount of \$25 for each student taught by the Advanced
587 International Certificate of Education teacher in each half-
588 credit Advanced International Certificate of Education course
589 who receives a score of E or higher on the Advanced
590 International Certificate of Education examination.

591 2. An additional bonus of \$500 to each Advanced
592 International Certificate of Education teacher in a school
593 designated with a grade of "D" or "F" who has at least one
594 student scoring E or higher on the full-credit Advanced
595 International Certificate of Education examination, regardless
596 of the number of classes taught or of the number of students
597 scoring an E or higher on the full-credit Advanced International
598 Certificate of Education examination.

599 3. Additional bonuses of \$250 each to teachers of half-
600 credit Advanced International Certificate of Education classes
601 in a school designated with a grade of "D" or "F" which has at
602 least one student scoring an E or higher on the half-credit
603 Advanced International Certificate of Education examination in
604 that class. The maximum additional bonus for a teacher awarded
605 in accordance with this subparagraph shall not exceed \$500 in
606 any given school year. Teachers receiving an award under
607 subparagraph 2. are not eligible for a bonus under this
608 subparagraph.

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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.

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

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

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

~~(o) (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 0.1, 0.2, or 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. The maximum full-time equivalent student membership value for any student is 0.3. The Department of Education shall assign the appropriate full-time equivalent value for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Rigor shall be based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the State Board of Education. Employment value shall be based on the entry wage, growth rate

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

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

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

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

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

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

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

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

3. The base student allocation.

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

(6) CATEGORICAL FUNDS.—

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

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction.

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4. Funds for research-based reading instruction.

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

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

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

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

1011.685 Class size reduction; operating categorical fund.—

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

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

758 Section 16. Paragraph (b) of subsection (3) of section
759 1011.71, Florida Statutes, is amended, and paragraphs (c) and
760 (d) are added to that subsection, to read:

761 1011.71 District school tax.—

762 (3)

763 (b) In addition to the millage authorized in this section,
764 each district school board may, by a super majority vote, levy
765 an additional 0.25 mills for critical capital outlay needs or
766 for critical operating needs. If levied for capital outlay,
767 expenditures shall be subject to the requirements of this
768 section. If levied for operations, expenditures shall be
769 consistent with the requirements for operating funds received
770 pursuant to s. 1011.62. If the district levies this additional
771 0.25 mills for operations, the compression adjustment pursuant
772 to s. 1011.62(5) shall be calculated and added to the district's
773 FEFP allocation. Millage levied pursuant to this paragraph is
774 subject to the provisions of s. 200.065. In order to be
775 continued after the 2010-2011 fiscal year, millage levied
776 pursuant to this paragraph must be approved by the voters of the
777 district at the 2010 general election or at a subsequent
778 election held at any time, except that not more than one such
779 election shall be held during any 12-month period. Any millage
780 so authorized shall be levied for a period not in excess of 2
781 years or until changed by another millage election, whichever is
782 earlier. If any such election is invalidated by a court of
783 competent jurisdiction, such invalidated election shall be

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

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

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

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

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

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

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

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

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Revenue Bond Program.

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

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

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

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

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

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

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

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

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

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

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

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