

1                                   A bill to be entitled  
2       An act relating to education funding; amending s. 218.503,  
3       F.S.; providing for a reduction in salary for certain  
4       school district employees when a state of financial  
5       emergency within the district continues beyond a specified  
6       period; amending s. 1002.53, F.S.; conforming provisions;  
7       amending s. 1002.61, F.S.; increasing the number of  
8       students authorized for a summer prekindergarten class;  
9       conforming cross-references; amending s. 1002.63, F.S.;  
10      eliminating certain eligibility requirements for  
11      delivering a prekindergarten program during the school  
12      year; amending s. 1002.71, F.S.; providing for separate  
13      base student allocations for school-year and summer  
14      prekindergarten programs; revising the formula for  
15      calculating and reporting full-time equivalent student  
16      enrollment; providing certain restrictions with respect to  
17      a child who reenrolls in a prekindergarten program;  
18      requiring that certain administrative procedures be  
19      automated; decreasing the amount that an early learning  
20      coalition may expend for administrative purposes; amending  
21      s. 1002.73, F.S.; conforming provisions; amending s.  
22      1003.03, F.S.; authorizing the Commissioner of Education  
23      to recommend a greater reduction in the amount allocated  
24      for transfer to a district's fixed capital outlay fund;  
25      creating s. 1011.051, F.S.; requiring district school  
26      boards to maintain a general fund balance sufficient to  
27      address contingencies; specifying procedures for the  
28      district to follow if the operating budget falls below

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29 | specified percentages; requiring modification of  
 30 | collective bargaining agreements under certain  
 31 | circumstances; amending s. 1011.71, F.S.; revising  
 32 | provisions and eliminating restrictions relating to the  
 33 | expenditure of revenues from the district school tax levy;  
 34 | amending s. 1011.73, F.S.; conforming a cross-reference;  
 35 | amending s. 1013.64, F.S.; conforming provisions;  
 36 | requiring that the Merit Award Program for Instructional  
 37 | Personnel and School-Based Administrators be held in  
 38 | abeyance during the 2008-2009 fiscal year; incorporating  
 39 | by reference certain calculations of the Florida Education  
 40 | Finance Program for the 2008-2009 fiscal year; repealing  
 41 | s. 11 of ch. 2008-142 and s. 2 of ch. 2008-213, Laws of  
 42 | Florida, relating to the expiration and reversion of  
 43 | certain district school tax provisions, to conform;  
 44 | providing for contingent retroactive application of  
 45 | specified provisions of the act; providing an effective  
 46 | date.

47 |  
 48 | Be It Enacted by the Legislature of the State of Florida:

49 |  
 50 | Section 1. Present subsections (4) and (5) of section  
 51 | 218.503, Florida Statutes, are renumbered as subsections (5) and  
 52 | (6), respectively, and a new subsection (4) is added to that  
 53 | section to read:

54 | 218.503 Determination of financial emergency.--

55 | (4) Notwithstanding ss. 1001.395 and 1001.47, if the  
 56 | Commissioner of Education determines that the measures imposed

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57 pursuant to subsection (3) have not eliminated a state of  
 58 financial emergency in a school district within 30 days after  
 59 the date the financial emergency was declared to exist, the  
 60 salary of each district school board member, the district  
 61 superintendent, and each district employee shall be reduced  
 62 proportionately in an amount necessary to provide for an  
 63 unreserved general fund balance of 2 percent of general fund  
 64 revenues in the district's operating budget.

65 Section 2. Paragraph (c) of subsection (3) of section  
 66 1002.53, Florida Statutes, is amended to read:

67 1002.53 Voluntary Prekindergarten Education Program;  
 68 eligibility and enrollment.--

69 (3) The parent of each child eligible under subsection (2)  
 70 may enroll the child in one of the following programs:

71 (c) A school-year prekindergarten program delivered by a  
 72 public school, ~~if offered by a school district that is eligible~~  
 73 ~~under s. 1002.63.~~

74  
 75 Except as provided in s. 1002.71(4), a child may not enroll in  
 76 more than one of these programs.

77 Section 3. Subsections (4) and (7) of section 1002.61,  
 78 Florida Statutes, are amended to read:

79 1002.61 Summer prekindergarten program delivered by public  
 80 schools and private prekindergarten providers.--

81 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)  
 82 ~~1002.63(5)~~, each public school and private prekindergarten  
 83 provider must have, for each prekindergarten class, at least one  
 84 prekindergarten instructor who:

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85 (a) Is a certified teacher; or

86 (b) Holds one of the educational credentials specified in  
87 s. 1002.55(4) (a) or (b).

88

89 As used in this subsection, the term "certified teacher" means a  
90 teacher holding a valid Florida educator certificate under s.  
91 1012.56 who has the qualifications required by the district  
92 school board to instruct students in the summer prekindergarten  
93 program. In selecting instructional staff for the summer  
94 prekindergarten program, each school district shall give  
95 priority to teachers who have experience or coursework in early  
96 childhood education.

97 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7)

98 ~~1002.63(8)~~, each prekindergarten class in the summer  
99 prekindergarten program, regardless of whether the class is a  
100 public school's or private prekindergarten provider's class,  
101 must be composed of at least 4 students but may not exceed 12 ~~10~~  
102 students beginning with the 2009 summer session. In order to  
103 protect the health and safety of students, each public school or  
104 private prekindergarten provider must also provide appropriate  
105 adult supervision for students at all times. This subsection  
106 does not supersede any requirement imposed on a provider under  
107 ss. 402.301-402.319.

108 Section 4. Section 1002.63, Florida Statutes, is amended  
109 to read:

110 1002.63 School-year prekindergarten program delivered by  
111 public schools.--

112 (1) Each school district ~~eligible under subsection (4)~~ may

113 administer the Voluntary Prekindergarten Education Program at  
 114 the district level for students enrolled under s. 1002.53(3)(c)  
 115 in a school-year prekindergarten program delivered by a public  
 116 school.

117 (2) Each school-year prekindergarten program delivered by  
 118 a public school must comprise at least 540 instructional hours.

119 (3) The district school board of each school district  
 120 ~~eligible under subsection (4)~~ shall determine which public  
 121 schools in the district may ~~are eligible to~~ deliver the  
 122 prekindergarten program during the school year.

123 ~~(4) To be eligible to deliver the prekindergarten program~~  
 124 ~~during the school year, each school district must meet both of~~  
 125 ~~the following requirements:~~

126 ~~(a) The district school board must certify to the State~~  
 127 ~~Board of Education that the school district:~~

128 ~~1. Has reduced the average class size in each classroom in~~  
 129 ~~accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX~~  
 130 ~~of the State Constitution; and~~

131 ~~2. Has sufficient satisfactory educational facilities and~~  
 132 ~~capital outlay funds to continue reducing the average class size~~  
 133 ~~in each classroom in the district's elementary schools for each~~  
 134 ~~year in accordance with the schedule for class size reduction~~  
 135 ~~and to achieve full compliance with the maximum class sizes in~~  
 136 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~  
 137 ~~the 2010-2011 school year.~~

138 ~~(b) The Commissioner of Education must certify to the~~  
 139 ~~State Board of Education that the department has reviewed the~~  
 140 ~~school district's educational facilities, capital outlay funds,~~

141 ~~and projected student enrollment and concurs with the district~~  
 142 ~~school board's certification under paragraph (a).~~

143 (4)~~(5)~~ Each public school must have, for each  
 144 prekindergarten class, at least one prekindergarten instructor  
 145 who meets each requirement in s. 1002.55(3)(c) for a  
 146 prekindergarten instructor of a private prekindergarten  
 147 provider.

148 (5)~~(6)~~ Each prekindergarten instructor employed by a  
 149 public school delivering the school-year prekindergarten program  
 150 must be of good moral character, must be screened using the  
 151 level 2 screening standards in s. 435.04 before employment and  
 152 rescreened at least once every 5 years, must be denied  
 153 employment or terminated if required under s. 435.06, and must  
 154 not be ineligible to teach in a public school because his or her  
 155 educator certificate is suspended or revoked. This subsection  
 156 does not supersede employment requirements for instructional  
 157 personnel in public schools which are more stringent than the  
 158 requirements of this subsection.

159 (6)~~(7)~~ A public school prekindergarten provider may assign  
 160 a substitute instructor to temporarily replace a credentialed  
 161 instructor if the credentialed instructor assigned to a  
 162 prekindergarten class is absent, as long as the substitute  
 163 instructor is of good moral character and has been screened  
 164 before employment in accordance with level 2 background  
 165 screening requirements in chapter 435. This subsection does not  
 166 supersede employment requirements for instructional personnel in  
 167 public schools which are more stringent than the requirements of  
 168 this subsection. The Agency for Workforce Innovation shall adopt

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169 rules to implement this subsection which shall include required  
 170 qualifications of substitute instructors and the circumstances  
 171 and time limits for which a public school prekindergarten  
 172 provider may assign a substitute instructor.

173 (7)~~(8)~~ Each prekindergarten class in a public school  
 174 delivering the school-year prekindergarten program must be  
 175 composed of at least 4 students but may not exceed 18 students.  
 176 In order to protect the health and safety of students, each  
 177 school must also provide appropriate adult supervision for  
 178 students at all times and, for each prekindergarten class  
 179 composed of 11 or more students, must have, in addition to a  
 180 prekindergarten instructor who meets the requirements of s.  
 181 1002.55(3)(c), at least one adult prekindergarten instructor who  
 182 is not required to meet those requirements but who must meet  
 183 each requirement of subsection (5) ~~(6)~~.

184 (8)~~(9)~~ Each public school delivering the school-year  
 185 prekindergarten program must:

186 (a) Register with the early learning coalition on forms  
 187 prescribed by the Agency for Workforce Innovation; and

188 (b) Deliver the Voluntary Prekindergarten Education  
 189 Program in accordance with this part.

190 Section 5. Subsections (3) and (4), paragraph (d) of  
 191 subsection (6), and subsection (7) of section 1002.71, Florida  
 192 Statutes, are amended to read:

193 1002.71 Funding; financial and attendance reporting.--

194 (3)(a) A separate ~~The~~ base student allocation per full-  
 195 time equivalent student in the Voluntary Prekindergarten  
 196 Education Program shall be provided in the General

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197 Appropriations Act for a school-year prekindergarten program and  
 198 for a summer prekindergarten program. The base student  
 199 allocation for a school-year prekindergarten program and shall  
 200 be equal for each student, regardless of whether the student is  
 201 enrolled in a school-year prekindergarten program delivered by a  
 202 public school or a private prekindergarten provider. The base  
 203 student allocation for, a summer prekindergarten program shall  
 204 be equal for each student, regardless of whether the student is  
 205 enrolled in a summer prekindergarten program delivered by a  
 206 public school or a private prekindergarten provider,~~or a~~  
 207 ~~school-year prekindergarten program delivered by a public~~  
 208 ~~school.~~

209 (b) Each county's allocation per full-time equivalent  
 210 student in the Voluntary Prekindergarten Education Program shall  
 211 be calculated annually by multiplying the base student  
 212 allocation provided in the General Appropriations Act by the  
 213 county's district cost differential provided in s. 1011.62(2).  
 214 Each private prekindergarten provider and public school shall be  
 215 paid in accordance with the county's allocation per full-time  
 216 equivalent student.

217 (c) The initial allocation shall be based on estimated  
 218 student enrollment in each coalition service area. The Agency  
 219 for Workforce Innovation shall reallocate funds among the  
 220 coalitions based on actual full-time equivalent student  
 221 enrollment in each coalition service area.

222 (d) For programs offered by school districts pursuant to  
 223 s. 1002.61 and beginning with the 2009 summer program, each  
 224 district's funding shall be based on a full-time equivalent



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225 student enrollment that is evenly divisible by 12 ~~10~~. If the  
 226 result of dividing a district's full-time equivalent student  
 227 enrollment by 12 ~~10~~ is not a whole number, the district's  
 228 enrollment calculation shall be adjusted by adding the minimum  
 229 number of full-time equivalent students to produce a full-time  
 230 equivalent student enrollment calculation that is evenly  
 231 divisible by 12 ~~10~~.

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

233 (a) A child who, for any of the prekindergarten programs  
 234 listed in s. 1002.53(3), has not completed more than 10 percent  
 235 of the hours authorized to be reported for funding under  
 236 subsection (2) may withdraw from the program for good cause,  
 237 reenroll in one of the programs, and be reported for funding  
 238 purposes as a full-time equivalent student in the program for  
 239 which the child is reenrolled. The total funding for a child who  
 240 reenrolls in the same program shall not exceed one full-time  
 241 equivalent student.

242 (b) A child who has not substantially completed any of the  
 243 prekindergarten programs listed in s. 1002.53(3) may withdraw  
 244 from the program due to an extreme hardship that is beyond the  
 245 child's or parent's control, reenroll in one of the summer  
 246 programs, and be reported for funding purposes as a full-time  
 247 equivalent student in the summer program for which the child is  
 248 reenrolled.

249  
 250 A child may reenroll only once in a prekindergarten program  
 251 under this section. A child who reenrolls in a prekindergarten  
 252 program under this subsection may not subsequently withdraw from

253 the program and reenroll. The Agency for Workforce Innovation  
 254 shall establish criteria specifying whether a good cause exists  
 255 for a child to withdraw from a program under paragraph (a),  
 256 whether a child has substantially completed a program under  
 257 paragraph (b), and whether an extreme hardship exists which is  
 258 beyond the child's or parent's control under paragraph (b).

259 (6)

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

267 1. Beginning with the 2009-2010 fiscal year for school-  
 268 year programs and the 2009 summer program, a student who meets  
 269 the minimum requirement of 80 percent of the total number of  
 270 hours for the program may be reported as a full-time equivalent  
 271 student for funding purposes.

272 2. A student who does not meet the minimum requirement may  
 273 be reported only as a fractional part of a full-time equivalent  
 274 student, reduced pro rata based on the student's attendance.

275 3. A student who does not meet the minimum requirement may  
 276 be reported as a full-time equivalent student if the student is  
 277 absent for good cause in accordance with exceptions specified in  
 278 the uniform attendance policy.

279

280 The uniform attendance policy shall be used only for funding

281 purposes and does not prohibit a private prekindergarten  
 282 provider or public school from adopting and enforcing its  
 283 attendance policy under paragraphs (a) and (c).

284 (7) The Agency for Workforce Innovation shall require that  
 285 administrative expenditures be kept to the minimum necessary for  
 286 efficient and effective administration of the Voluntary  
 287 Prekindergarten Education Program. Administrative policies and  
 288 procedures shall be revised, to the maximum extent practicable,  
 289 to incorporate the use of automation and electronic submission  
 290 of forms, including those required for child eligibility and  
 291 enrollment, provider and class registration, and monthly  
 292 certification of attendance for payment. Beginning with the  
 293 2008-2009 fiscal year, each early learning coalition may retain  
 294 and expend no more than 4.85 ~~5~~ percent of the funds paid by the  
 295 coalition to private prekindergarten providers and public  
 296 schools under paragraph (5) (b). Funds retained by an early  
 297 learning coalition under this subsection may be used only for  
 298 administering the Voluntary Prekindergarten Education Program  
 299 and may not be used for the school readiness program or other  
 300 programs.

301 Section 6. Paragraphs (c) and (d) of subsection (2) of  
 302 section 1002.73, Florida Statutes, are amended to read:

303 1002.73 Department of Education; powers and duties;  
 304 accountability requirements.--

305 (2) The department shall adopt procedures for the  
 306 department's:

307 ~~(c) Certification of school districts that are eligible to~~  
 308 ~~deliver the school-year prekindergarten program under s.~~

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309 | ~~1002.63.~~  
 310 |        (c)~~(d)~~ Administration of the statewide kindergarten  
 311 | screening and calculation of kindergarten readiness rates under  
 312 | s. 1002.69.  
 313 |        Section 7. Paragraph (a) of subsection (4) of section  
 314 | 1003.03, Florida Statutes, is amended to read:  
 315 |        1003.03 Maximum class size.--  
 316 |        (4) ACCOUNTABILITY.--  
 317 |        (a)1. Beginning in the 2003-2004 fiscal year, if the  
 318 | department determines for any year that a school district has  
 319 | not reduced average class size as required in subsection (2) at  
 320 | the time of the third FEFP calculation, the department shall  
 321 | calculate an amount from the class size reduction operating  
 322 | categorical which is proportionate to the amount of class size  
 323 | reduction not accomplished. Upon verification of the  
 324 | department's calculation by the Florida Education Finance  
 325 | Program Appropriation Allocation Conference and not later than  
 326 | March 1 of each year, the Executive Office of the Governor shall  
 327 | transfer undistributed funds equivalent to the calculated amount  
 328 | from the district's class size reduction operating categorical  
 329 | to an approved fixed capital outlay appropriation for class size  
 330 | reduction in the affected district pursuant to s. 216.292(2)(d).  
 331 | The amount of funds transferred shall be the lesser of the  
 332 | amount verified by the Florida Education Finance Program  
 333 | Appropriation Allocation Conference or the undistributed balance  
 334 | of the district's class size reduction operating categorical.  
 335 |        2. In lieu of the transfer required by subparagraph 1.,  
 336 | the Commissioner of Education may recommend a budget amendment,

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337 subject to approval by the Legislative Budget Commission, to  
 338 transfer an alternative amount of funds from the district's  
 339 class size reduction operating categorical to its approved fixed  
 340 capital outlay account for class size reduction if the  
 341 commissioner finds that the State Board of Education has  
 342 reviewed evidence indicating that a district has been unable to  
 343 meet class size reduction requirements despite appropriate  
 344 effort to do so. The commissioner's budget amendment must be  
 345 submitted to the Legislative Budget Commission by February 15 of  
 346 each year.

347 3. For the 2007-2008 fiscal year and thereafter, if in any  
 348 fiscal year funds from a district's class size operating  
 349 categorical are required to be transferred to its fixed capital  
 350 outlay fund and the district's class size operating categorical  
 351 allocation in the General Appropriations Act for that fiscal  
 352 year has been reduced by a subsequent appropriation, the  
 353 Commissioner of Education may recommend a 50-percent ~~10-percent~~  
 354 reduction in the amount of the transfer.

355 Section 8. Section 1011.051, Florida Statutes, is created  
 356 to read:

357 1011.051 Guidelines for general funds.--The district  
 358 school board shall maintain an unreserved general fund balance  
 359 that is sufficient to address normal contingencies. If at any  
 360 time the unreserved general fund in the district's approved  
 361 operating budget falls below:

362 (1) Five percent of projected general fund revenues, the  
 363 superintendent shall provide written notification to the  
 364 district school board and the Commissioner of Education.

365 (2) Two percent of projected general fund revenues, the  
 366 provisions of s. 447.4095 shall be followed for the purpose of  
 367 modifying existing collective bargaining agreements as necessary  
 368 to avoid a financial emergency within the school district as  
 369 provided under part V of chapter 218. If the parties fail to  
 370 reach agreement and proceed to implement the provisions of s.  
 371 447.403, the superintendent shall provide written notification  
 372 to the Commissioner of Education, the dispute shall be resolved  
 373 through an expedited impasse hearing, and the timelines  
 374 prescribed in s. 447.403(2)(c) shall apply.

375 Section 9. Paragraphs (k) and (l) are added to subsection  
 376 (2) of section 1011.71, Florida Statutes, and subsections (4),  
 377 (5), (6), (7), and (8) of that section are amended, to read:

378 1011.71 District school tax.--

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

384 (k) Payment of the cost of premiums for property and  
 385 casualty insurance necessary to insure school district  
 386 educational and ancillary plants as required by ss.  
 387 1001.42(11)(d) and 1001.51(11)(k).

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

393           ~~(4) A school district that has met the reduction~~  
 394 ~~requirements regarding class size for the 2008-2009 fiscal year~~  
 395 ~~pursuant to s. 1003.03 for K-12 students for whom the school~~  
 396 ~~district provides the educational facilities and governs~~  
 397 ~~operations and certifies to the Commissioner of Education that~~  
 398 ~~the district does not need all of its discretionary 1.75 mill~~  
 399 ~~capital improvement revenue for capital outlay purposes and all~~  
 400 ~~of the district's instructional space needs for the next 5 years~~  
 401 ~~can be met from capital outlay sources that the district~~  
 402 ~~reasonably expects to receive during the next 5 years from local~~  
 403 ~~revenues and from currently appropriated state facilities~~  
 404 ~~funding or from alternative scheduling or construction, leasing,~~  
 405 ~~rezoning, or technological methodologies that exhibit sound~~  
 406 ~~management may expend, subject to the provisions of s. 200.065,~~  
 407 ~~up to \$65 per unweighted full-time equivalent student from the~~  
 408 ~~revenue generated by the 2008-2009 millage levy authorized by~~  
 409 ~~subsection (2) to fund, in addition to expenditures authorized~~  
 410 ~~in paragraphs (2)(a)-(j), 2008-2009 expenses for the following:~~  
 411           ~~(a) The purchase, lease-purchase, or lease of driver's~~  
 412 ~~education vehicles; motor vehicles used for the maintenance or~~  
 413 ~~operation of plants and equipment; security vehicles; or~~  
 414 ~~vehicles used in storing or distributing materials and~~  
 415 ~~equipment.~~  
 416           ~~(b) Payment of the cost of premiums for property and~~  
 417 ~~casualty insurance necessary to insure school district~~  
 418 ~~educational and ancillary plants. Operating revenues that are~~  
 419 ~~made available through the payment of property and casualty~~  
 420 ~~insurance premiums from revenues generated under this subsection~~

421 ~~may be expended only for nonrecurring operational expenditures~~  
 422 ~~of the school district.~~

423 (4)~~(5)~~ Violations of the expenditure provisions in  
 424 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar  
 425 reduction in the Florida Education Finance Program (FEFP) funds  
 426 for the violating district in the fiscal year following the  
 427 audit citation.

428 (5)~~(6)~~ These taxes shall be certified, assessed, and  
 429 collected as prescribed in s. 1011.04 and shall be expended as  
 430 provided by law.

431 (6)~~(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be  
 432 construed to increase the maximum school millage levies as  
 433 provided for in subsection (1).

434 (7)~~(8)~~ In addition to the maximum millage levied under  
 435 this section and the General Appropriations Act, a school  
 436 district may levy, by local referendum or in a general election,  
 437 additional millage for school operational purposes up to an  
 438 amount that, when combined with nonvoted millage levied under  
 439 this section, does not exceed the 10-mill limit established in  
 440 s. 9(b), Art. VII of the State Constitution. Any such levy shall  
 441 be for a maximum of 4 years and shall be counted as part of the  
 442 10-mill limit established in s. 9(b), Art. VII of the State  
 443 Constitution. Millage elections conducted under the authority  
 444 granted pursuant to this section are subject to s. 1011.73.  
 445 Funds generated by such additional millage do not become a part  
 446 of the calculation of the Florida Education Finance Program  
 447 total potential funds in 2001-2002 or any subsequent year and  
 448 must not be incorporated in the calculation of any hold-harmless



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449 or other component of the Florida Education Finance Program  
 450 formula in any year. If an increase in required local effort,  
 451 when added to existing millage levied under the 10-mill limit,  
 452 would result in a combined millage in excess of the 10-mill  
 453 limit, any millage levied pursuant to this subsection shall be  
 454 considered to be required local effort to the extent that the  
 455 district millage would otherwise exceed the 10-mill limit.

456 Section 10. Subsection (2) of section 1011.73, Florida  
 457 Statutes, is amended to read:

458 1011.73 District millage elections.--

459 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The  
 460 district school board, pursuant to resolution adopted at a  
 461 regular meeting, shall direct the county commissioners to call  
 462 an election at which the electors within the school district may  
 463 approve an ad valorem tax millage as authorized under s.  
 464 1011.71(7) ~~1011.71(8)~~. Such election may be held at any time,  
 465 except that not more than one such election shall be held during  
 466 any 12-month period. Any millage so authorized shall be levied  
 467 for a period not in excess of 4 years or until changed by  
 468 another millage election, whichever is earlier. If any such  
 469 election is invalidated by a court of competent jurisdiction,  
 470 such invalidated election shall be considered not to have been  
 471 held.

472 Section 11. Paragraph (b) of subsection (6) of section  
 473 1013.64, Florida Statutes, is amended to read:

474 1013.64 Funds for comprehensive educational plant needs;  
 475 construction cost maximums for school district capital  
 476 projects.--Allocations from the Public Education Capital Outlay

477 and Debt Service Trust Fund to the various boards for capital  
 478 outlay projects shall be determined as follows:

479 (6)

480 (b)1. A district school board, including a district school  
 481 board of an academic performance-based charter school district,  
 482 must not use funds from the following sources: Public Education  
 483 Capital Outlay and Debt Service Trust Fund; School District and  
 484 Community College District Capital Outlay and Debt Service Trust  
 485 Fund; Classrooms First Program funds provided in s. 1013.68;  
 486 effort index grant funds provided in s. 1013.73; nonvoted 1.75-  
 487 mill ~~2-mill~~ levy of ad valorem property taxes provided in s.  
 488 1011.71(2); Classrooms for Kids Program funds provided in s.  
 489 1013.735; District Effort Recognition Program funds provided in  
 490 s. 1013.736; or High Growth District Capital Outlay Assistance  
 491 Grant Program funds provided in s. 1013.738 for any new  
 492 construction of educational plant space with a total cost per  
 493 student station, including change orders, that equals more than:

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

497  
 498 (January 2006) as adjusted annually to reflect increases or  
 499 decreases in the Consumer Price Index.

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

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505 per square foot of new construction for all schools.

506 Section 12. Implementation of the provisions of section  
 507 1012.225, Florida Statutes, the Merit Award Program for  
 508 Instructional Personnel and School-Based Administrators, shall  
 509 be held in abeyance during the 2008-2009 fiscal year.

510 Section 13. In order to implement Specific Appropriations  
 511 2, 3, and 41 through 44 of the Special Appropriations Act for  
 512 the 2008-2009 fiscal year, the calculations of the Florida  
 513 Education Finance Program for the 2008-2009 fiscal year in the  
 514 document entitled "Public School Funding - The Florida Education  
 515 Finance Program," dated January 8, 2009, and filed with the  
 516 Secretary of the Senate are incorporated by reference for the  
 517 purpose of displaying the calculations used by the Legislature,  
 518 consistent with requirements of the Florida Statutes, in making  
 519 appropriations and reductions in appropriations for the Florida  
 520 Education Finance Program.

521 Section 14. Section 11 of chapter 2008-142 and section 2  
 522 of chapter 2008-213, Laws of Florida, are repealed.

523 Section 15. This act shall take effect February 1, 2009,  
 524 or upon becoming a law, whichever occurs later; however, if this  
 525 act becomes a law after February 1, 2009, ss. 1002.53, 1002.61,  
 526 1002.63, 1002.71, and 1002.73, Florida Statutes, as amended by  
 527 this act, shall operate retroactively to February 1, 2009.