

By the Policy and Steering Committee on Ways and Means; Committee on Education Pre-K - 12 Appropriations and Senator Wise

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1 A bill to be entitled
2 An act relating to education funding; amending s.
3 218.503, F.S.; providing for a reduction in salary for
4 certain school district employees when a state of
5 financial emergency within the district continues
6 beyond a specified period; amending s. 1001.395, F.S.;
7 providing for district school members to reduce their
8 salary rate on a voluntary basis; amending ss. 1001.42
9 and 1001.50, F.S.; prohibiting a district school board
10 from entering into an employment contract that
11 provides for payment of an amount greater than 1 year
12 of an employee's or superintendent's annual salary for
13 termination, buy-out, or other type of settlement;
14 amending s. 1002.53, F.S., relating to the Voluntary
15 Prekindergarten Education Program; conforming
16 provisions to changes made by the act; amending s.
17 1002.61, F.S.; increasing the number of students
18 authorized for a summer prekindergarten class;
19 conforming cross-references; amending s. 1002.63,
20 F.S.; eliminating certain eligibility requirements for
21 delivering a prekindergarten program during the school
22 year; amending s. 1002.71, F.S.; providing for
23 separate base student allocations for school-year and
24 summer prekindergarten programs; revising the formula
25 for calculating and reporting full-time equivalent
26 student enrollment; providing certain restrictions
27 with respect to a child who reenrolls in a
28 prekindergarten program; requiring that certain
29 administrative procedures be automated; decreasing the

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30 amount that an early learning coalition may expend for
31 administrative purposes; amending s. 1002.73, F.S.;
32 revising duties of the Department of Education, to
33 conform; amending s. 1006.40, F.S.; waiving, for the
34 adoption cycle of the 2008-2009 academic year, the
35 requirement that district school boards purchase
36 instructional materials in core courses; creating s.
37 1011.051, F.S.; requiring that district school boards
38 maintain an unreserved general fund balance sufficient
39 to address contingencies; specifying procedures for
40 the district to follow if the operating budget falls
41 below specified percentages or projected general fund
42 revenues; requiring that collective bargaining
43 agreements make adequate provisions for maintaining
44 the required general fund balances; providing that a
45 collective bargaining agreement entered into after the
46 effective date of the act which fails to comply with
47 the act is void and unenforceable; requiring
48 modification of collective bargaining agreements under
49 circumstances involving financial urgency; amending s.
50 1011.71, F.S.; authorizing the purchase of certain
51 enterprise resource software applications with
52 proceeds of the district school tax; eliminating
53 certain restrictions on the expenditure of revenues
54 from the district school tax levy; providing for
55 future expiration of such provisions; amending s.
56 1013.64, F.S., relating to funds for constructing
57 educational plant space; conforming provisions;
58 providing for awards for instructional personnel and

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59 school-based administrators under the Merit Award
60 Program to be paid only to the extent funded in the
61 2009-2010 fiscal year; authorizing the Commissioner of
62 Education to waive the equal-dollar reduction
63 requirement for expenditures made during a specified
64 time for property and casualty insurance and for the
65 audit findings for a specified fiscal year related to
66 the purchase of software, if the commissioner
67 determines that a school district acted in good faith;
68 incorporating by reference certain calculations of the
69 Florida Education Finance Program for the 2008-2009
70 fiscal year; providing for contingent retroactive
71 application of specified provisions of the act;
72 providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Present subsections (4) and (5) of section
77 218.503, Florida Statutes, are renumbered as subsections (5) and
78 (6), respectively, and a new subsection (4) is added to that
79 section, to read:

80 218.503 Determination of financial emergency.—

81 (4) Notwithstanding ss. 1001.395 and 1001.47, if the
82 Commissioner of Education determines that the measures imposed
83 pursuant to subsection (3) have not eliminated a state of
84 financial emergency in a school district within 30 days after
85 the date the condition was declared to exist, the salary of each
86 district school board member, the district superintendent, and
87 each district employee shall be reduced proportionately in an

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88 amount necessary to prevent a deficit in the unreserved general
 89 fund of the district's operating budget during the remainder of
 90 the fiscal year.

91 Section 2. Section 1001.395, Florida Statutes, is amended
 92 to read

93 1001.395 District school board members; compensation.—

94 (1) Each member of the district school board shall receive
 95 a base salary, the amounts indicated in this section, based on
 96 the population of the county the district school board member
 97 serves. In addition, compensation shall be made for population
 98 increments over the minimum for each population group, which
 99 shall be determined by multiplying the population in excess of
 100 the minimum for the group times the group rate. The product of
 101 such calculation shall be added to the base salary to determine
 102 the adjusted base salary. The adjusted base salaries of district
 103 school board members shall be increased annually as provided for
 104 in s. 145.19.

County Pop.

Pop. Group	Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	9,999	\$5,000	\$0.08330
II	10,000	49,999	5,833	0.020830
III	50,000	99,999	6,666	0.016680
IV	100,000	199,999	7,500	0.008330

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110					
	V	200,000	399,999	8,333	0.004165
111					
	VI	400,000	999,999	9,166	0.001390
112					
	VII	1,000,000		10,000	0.000000
113					
114					

115 District school board member salaries negotiated on or after
 116 November of 2006 shall remain in effect up to the date of the
 117 2007-2008 calculation provided pursuant to s. 145.19.

118 (2) Notwithstanding the provisions of this section or s.
 119 145.19, Florida Statutes, district school board members may
 120 reduce their salary rate on a voluntary basis.

121 Section 3. Present subsection (25) of section 1001.42,
 122 Florida Statutes, is renumbered as subsection (26), and a new
 123 subsection (25) is added to that section, to read:

124 1001.42 Powers and duties of district school board.—The
 125 district school board, acting as a board, shall exercise all
 126 powers and perform all duties listed below:

127 (25) EMPLOYMENT CONTRACTS.—On or after February 1, 2009, a
 128 district school board may not enter into an employment contract
 129 that is funded from state funds and that requires the district
 130 to pay an employee an amount in excess of 1 year of the
 131 employee's annual salary for termination, buy-out, or any other
 132 type of contract settlement.

133 Section 4. Subsection (2) of section 1001.50, Florida
 134 Statutes, is amended to read:

135 1001.50 Superintendents employed under Art. IX of the State

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136 Constitution.—

137 (2) The district school board of each of such districts
138 shall enter into contracts of employment with the district
139 school superintendent and shall adopt rules relating to his or
140 her appointment; however, on or after February 1, 2009, the
141 district school board may not enter into an employment contract
142 that is funded from state funds and that requires the district
143 to pay a superintendent an amount in excess of 1 year of the
144 superintendent's annual salary for termination, buy-out, or any
145 other type of contract settlement.

146 Section 5. Paragraph (c) of subsection (3) of section
147 1002.53, Florida Statutes, is amended to read:

148 1002.53 Voluntary Prekindergarten Education Program;
149 eligibility and enrollment.—

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

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

155
156 Except as provided in s. 1002.71(4), a child may not enroll in
157 more than one of these programs.

158 Section 6. Subsections (4) and (7) of section 1002.61,
159 Florida Statutes, are amended to read:

160 1002.61 Summer prekindergarten program delivered by public
161 schools and private prekindergarten providers.—

162 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4)
163 ~~1002.63(5)~~, each public school and private prekindergarten
164 provider must have, for each prekindergarten class, at least one

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165 prekindergarten instructor who:

166 (a) Is a certified teacher; or

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

169

170 As used in this subsection, the term "certified teacher" means a
171 teacher holding a valid Florida educator certificate under s.
172 1012.56 who has the qualifications required by the district
173 school board to instruct students in the summer prekindergarten
174 program. In selecting instructional staff for the summer
175 prekindergarten program, each school district shall give
176 priority to teachers who have experience or coursework in early
177 childhood education.

178 (7) Notwithstanding ss. 1002.55(3) (f) and 1002.63(7)
179 ~~1002.63(8)~~, each prekindergarten class in the summer
180 prekindergarten program, regardless of whether the class is a
181 public school's or private prekindergarten provider's class,
182 must be composed of at least 4 students but may not exceed 12 ~~10~~
183 students beginning with the 2009 summer session. In order to
184 protect the health and safety of students, each public school or
185 private prekindergarten provider must also provide appropriate
186 adult supervision for students at all times. This subsection
187 does not supersede any requirement imposed on a provider under
188 ss. 402.301-402.319.

189 Section 7. Section 1002.63, Florida Statutes, is amended to
190 read:

191 1002.63 School-year prekindergarten program delivered by
192 public schools.—

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

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194 administer the Voluntary Prekindergarten Education Program at
195 the district level for students enrolled under s. 1002.53(3)(c)
196 in a school-year prekindergarten program delivered by a public
197 school.

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

200 (3) The district school board of each school district
201 ~~eligible under subsection (4)~~ shall determine which public
202 schools in the district may ~~are eligible to~~ deliver the
203 prekindergarten program during the school year.

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

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

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

212 ~~2. Has sufficient satisfactory educational facilities and~~
213 ~~capital outlay funds to continue reducing the average class size~~
214 ~~in each classroom in the district's elementary schools for each~~
215 ~~year in accordance with the schedule for class size reduction~~
216 ~~and to achieve full compliance with the maximum class sizes in~~
217 ~~s. 1(a), Art. IX of the State Constitution by the beginning of~~
218 ~~the 2010-2011 school year.~~

219 ~~(b) The Commissioner of Education must certify to the State~~
220 ~~Board of Education that the department has reviewed the school~~
221 ~~district's educational facilities, capital outlay funds, and~~
222 ~~projected student enrollment and concurs with the district~~

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223 ~~school board's certification under paragraph (a).~~

224 (4)~~(5)~~ Each public school must have, for each
225 prekindergarten class, at least one prekindergarten instructor
226 who meets each requirement in s. 1002.55(3)(c) for a
227 prekindergarten instructor of a private prekindergarten
228 provider.

229 (5)~~(6)~~ Each prekindergarten instructor employed by a public
230 school delivering the school-year prekindergarten program must
231 be of good moral character, must be screened using the level 2
232 screening standards in s. 435.04 before employment and
233 rescreened at least once every 5 years, must be denied
234 employment or terminated if required under s. 435.06, and must
235 not be ineligible to teach in a public school because his or her
236 educator certificate is suspended or revoked. This subsection
237 does not supersede employment requirements for instructional
238 personnel in public schools which are more stringent than the
239 requirements of this subsection.

240 (6)~~(7)~~ A public school prekindergarten provider may assign
241 a substitute instructor to temporarily replace a credentialed
242 instructor if the credentialed instructor assigned to a
243 prekindergarten class is absent, as long as the substitute
244 instructor is of good moral character and has been screened
245 before employment in accordance with level 2 background
246 screening requirements in chapter 435. This subsection does not
247 supersede employment requirements for instructional personnel in
248 public schools which are more stringent than the requirements of
249 this subsection. The Agency for Workforce Innovation shall adopt
250 rules to implement this subsection which shall include required
251 qualifications of substitute instructors and the circumstances

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252 and time limits for which a public school prekindergarten
253 provider may assign a substitute instructor.

254 ~~(7)(8)~~ Each prekindergarten class in a public school
255 delivering the school-year prekindergarten program must be
256 composed of at least 4 students but may not exceed 18 students.
257 In order to protect the health and safety of students, each
258 school must also provide appropriate adult supervision for
259 students at all times and, for each prekindergarten class
260 composed of 11 or more students, must have, in addition to a
261 prekindergarten instructor who meets the requirements of s.
262 1002.55(3)(c), at least one adult prekindergarten instructor who
263 is not required to meet those requirements but who must meet
264 each requirement of subsection (5) ~~(6)~~.

265 ~~(8)(9)~~ Each public school delivering the school-year
266 prekindergarten program must:

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

269 (b) Deliver the Voluntary Prekindergarten Education Program
270 in accordance with this part.

271 Section 8. Subsections (3) and (4), paragraph (d) of
272 subsection (6), and subsection (7) of section 1002.71, Florida
273 Statutes, are amended to read:

274 1002.71 Funding; financial and attendance reporting.—

275 (3)(a) A separate ~~The~~ base student allocation per full-time
276 equivalent student in the Voluntary Prekindergarten Education
277 Program shall be provided in the General Appropriations Act for
278 a school-year prekindergarten program and for a summer
279 prekindergarten program. The base student allocation for a
280 school-year program ~~and~~ shall be equal for each student,

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281 regardless of whether the student is enrolled in a school-year
282 prekindergarten program delivered by a private prekindergarten
283 provider or a public school. The base student allocation for, a
284 summer prekindergarten program shall be equal for each student,
285 regardless of whether the student is enrolled in a summer
286 prekindergarten program delivered by a public school or private
287 prekindergarten provider, ~~or a school-year prekindergarten~~
288 ~~program delivered by a public school.~~

289 (b) Each county's allocation per full-time equivalent
290 student in the Voluntary Prekindergarten Education Program shall
291 be calculated annually by multiplying the base student
292 allocation provided in the General Appropriations Act by the
293 county's district cost differential provided in s. 1011.62(2).
294 Each private prekindergarten provider and public school shall be
295 paid in accordance with the county's allocation per full-time
296 equivalent student.

297 (c) The initial allocation shall be based on estimated
298 student enrollment in each coalition service area. The Agency
299 for Workforce Innovation shall reallocate funds among the
300 coalitions based on actual full-time equivalent student
301 enrollment in each coalition service area.

302 (d) For programs offered by school districts pursuant to s.
303 1002.61 and beginning with the 2009 summer program, each
304 district's funding shall be based on a full-time equivalent
305 student enrollment that is evenly divisible by 12 ~~10~~. If the
306 result of dividing a district's full-time equivalent student
307 enrollment by 12 ~~10~~ is not a whole number, the district's
308 enrollment calculation shall be adjusted by adding the minimum
309 number of full-time equivalent students to produce a full-time

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310 equivalent student enrollment calculation that is evenly
311 divisible by 12 ~~10~~.

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

313 (a) A child who, for any of the prekindergarten programs
314 listed in s. 1002.53(3), has not completed more than 10 percent
315 of the hours authorized to be reported for funding under
316 subsection (2) may withdraw from the program for good cause,
317 reenroll in one of the programs, and be reported for funding
318 purposes as a full-time equivalent student in the program for
319 which the child is reenrolled. The total funding for a child who
320 reenrolls in the same program shall not exceed one full-time
321 equivalent student.

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

329
330 A child may reenroll only once in a prekindergarten program
331 under this section. A child who reenrolls in a prekindergarten
332 program under this subsection may not subsequently withdraw from
333 the program and reenroll. The Agency for Workforce Innovation
334 shall establish criteria specifying whether a good cause exists
335 for a child to withdraw from a program under paragraph (a),
336 whether a child has substantially completed a program under
337 paragraph (b), and whether an extreme hardship exists which is
338 beyond the child's or parent's control under paragraph (b).

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339 (6)

340 (d) The Agency for Workforce Innovation shall adopt, for
341 funding purposes, a uniform attendance policy for the Voluntary
342 Prekindergarten Education Program. The attendance policy must
343 apply statewide and apply equally to all private prekindergarten
344 providers and public schools. The attendance policy must
345 establish a minimum requirement for student attendance and
346 include the following provisions:

347 1. Beginning with the 2009-2010 fiscal year for school-year
348 programs and the 2009 summer program, a student who meets the
349 minimum requirement of 80 percent of the total number of hours
350 for the program may be reported as a full-time equivalent
351 student for funding purposes.

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

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

359
360 The uniform attendance policy shall be used only for funding
361 purposes and does not prohibit a private prekindergarten
362 provider or public school from adopting and enforcing its
363 attendance policy under paragraphs (a) and (c).

364 (7) The Agency for Workforce Innovation shall require that
365 administrative expenditures be kept to the minimum necessary for
366 efficient and effective administration of the Voluntary
367 Prekindergarten Education Program. Administrative policies and

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368 procedures shall be revised, to the maximum extent practicable,
369 to incorporate the use of automation and electronic submission
370 of forms, including those required for child eligibility and
371 enrollment, provider and class registration, and monthly
372 certification of attendance for payment. Beginning with the
373 2008-2009 fiscal year, each early learning coalition may retain
374 and expend no more than 4.85 5 percent of the funds paid by the
375 coalition to private prekindergarten providers and public
376 schools under paragraph (5) (b). Funds retained by an early
377 learning coalition under this subsection may be used only for
378 administering the Voluntary Prekindergarten Education Program
379 and may not be used for the school readiness program or other
380 programs.

381 Section 9. Paragraphs (c) and (d) of subsection (2) of
382 section 1002.73, Florida Statutes, are amended to read:

383 1002.73 Department of Education; powers and duties;
384 accountability requirements.—

385 (2) The department shall adopt procedures for the
386 department's:

387 ~~(c) Certification of school districts that are eligible to~~
388 ~~deliver the school-year prekindergarten program under s.~~
389 ~~1002.63.~~

390 (c) ~~(d)~~ Administration of the statewide kindergarten
391 screening and calculation of kindergarten readiness rates under
392 s. 1002.69.

393 Section 10. Paragraph (a) of subsection (2) of section
394 1006.40, Florida Statutes, is amended to read:

395 1006.40 Use of instructional materials allocation;
396 instructional materials, library books, and reference books;

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397 repair of books.—

398 (2) (a) Each district school board must purchase current
399 instructional materials to provide each student with a textbook
400 or other instructional materials as a major tool of instruction
401 in core courses of the appropriate subject areas of mathematics,
402 language arts, science, social studies, reading, and literature
403 for kindergarten through grade 12. Such purchase must be made
404 within the first 2 years after ~~of~~ the effective date of the
405 adoption cycle; however, this requirement is waived for the
406 adoption cycle occurring in the 2008-2009 academic year. Unless
407 specifically provided for in the General Appropriations Act, the
408 cost of instructional materials purchases required by this
409 paragraph shall not exceed the amount of the district's
410 allocation for instructional materials, pursuant to s. 1011.67,
411 for the previous 2 years.

412 Section 11. Section 1011.051, Florida Statutes, is created
413 to read:

414 1011.051 Guidelines for general funds.—The district school
415 board shall maintain an unreserved general fund balance that is
416 sufficient to address normal contingencies.

417 (1) If at any time the unreserved general fund in the
418 district's approved operating budget is projected to fall during
419 the current fiscal year below 5 percent of projected general
420 fund revenues, the superintendent shall provide written
421 notification to the district school board and the Commissioner
422 of Education.

423 (a) With respect to a collective bargaining agreement
424 executed on or after the effective date of this act, if the
425 unreserved general fund in the district's approved operating

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426 budget is projected to fall during the current fiscal year below
427 2 percent of projected general fund revenues, the provisions of
428 s. 447.4095 shall be followed for the purpose of modifying the
429 agreement as necessary to avoid a financial emergency within the
430 school district as provided under part V of chapter 218. If the
431 parties fail to reach agreement and proceed to implement the
432 provisions of s. 447.403, the superintendent shall provide
433 written notification to the Commissioner of Education, the
434 dispute shall be resolved through an expedited impasse hearing,
435 and the timelines prescribed in s. 447.403(2)(c) shall apply.

436 (b) With respect to a collective bargaining agreement
437 executed before the effective date of this act, if the
438 unreserved general fund in the district's approved operating
439 budget is projected to fall during the current fiscal year below
440 projected general fund revenues, the provisions of s. 447.4095
441 shall be followed for the purpose of modifying the agreement as
442 necessary to avoid a financial emergency within the school
443 district as provided under part V of chapter 218. If the parties
444 fail to reach agreement and proceed to implement the provisions
445 of s. 447.403, the superintendent shall provide written
446 notification to the Commissioner of Education, the dispute shall
447 be resolved through an expedited impasse hearing, and the
448 timelines prescribed in s. 447.403(2)(c) shall apply.

449 (2)(a) Each collective bargaining agreement entered into by
450 a school board on or after the effective date of this act must
451 make adequate provision to allow the school board to maintain an
452 unreserved general fund balance as required by this section.

453 (b) Any collective bargaining agreement entered into by a
454 school board on or after the effective date of this act which

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455 does not meet the requirements of this section is void, is
456 contrary to public policy, and may not be enforced.

457 (c) Any collective bargaining agreement entered into by a
458 school board before the effective date of this act is subject to
459 the provisions of s. 447.4095 if the school district projects
460 that, at any point in the fiscal year, it will have insufficient
461 funds to continue normal operations and address normal
462 contingencies. Projection of such conditions by the school board
463 constitutes "financial urgency" for purposes of s. 447.4095, but
464 this paragraph does not limit the meaning of "financial urgency"
465 to such projection.

466 Section 12. Paragraph (d) of subsection (2) and subsection
467 (4) of section 1011.71, Florida Statutes, as amended by chapters
468 2007-328, 2008-2, 2008-142, and 2008-213, Laws of Florida, are
469 amended to read:

470 1011.71 District school tax.—

471 (2) In addition to the maximum millage levy as provided in
472 subsection (1), each school board may levy not more than 1.75
473 mills against the taxable value for school purposes for district
474 schools, including charter schools at the discretion of the
475 school board, to fund:

476 (d) The purchase, lease-purchase, or lease of new and
477 replacement equipment, and enterprise resource software
478 applications that are classified as capital assets in accordance
479 with definitions of the Governmental Accounting Standards Board,
480 have a useful life of at least 5 years, and are used to support
481 district-wide administration or state-mandated reporting
482 requirements.

483 (4) A school district ~~that has met the reduction~~

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484 ~~requirements regarding class size for the 2008-2009 fiscal year~~
485 ~~pursuant to s. 1003.03 for K-12 students for whom the school~~
486 ~~district provides the educational facilities and governs~~
487 ~~operations and certifies to the Commissioner of Education that~~
488 ~~the district does not need all of its discretionary 1.75 mill~~
489 ~~capital improvement revenue for capital outlay purposes and all~~
490 ~~of the district's instructional space needs for the next 5 years~~
491 ~~can be met from capital outlay sources that the district~~
492 ~~reasonably expects to receive during the next 5 years from local~~
493 ~~revenues and from currently appropriated state facilities~~
494 ~~funding or from alternative scheduling or construction, leasing,~~
495 ~~rezoning, or technological methodologies that exhibit sound~~
496 ~~management may expend, subject to the provisions of s. 200.065,~~
497 ~~up to \$65 per unweighted full-time equivalent student from the~~
498 ~~revenue generated by the 2008-2009 millage levy authorized by~~
499 ~~subsection (2) to fund, in addition to expenditures authorized~~
500 ~~in paragraphs (2)(a)-(j), 2008-2009 expenses for the following:~~

501 (a) The purchase, lease-purchase, or lease of driver's
502 education vehicles; motor vehicles used for the maintenance or
503 operation of plants and equipment; security vehicles; or
504 vehicles used in storing or distributing materials and
505 equipment.

506 (b) Payment of the cost of premiums for property and
507 casualty insurance necessary to insure school district
508 educational and ancillary plants. Operating revenues that are
509 made available through the payment of property and casualty
510 insurance premiums from revenues generated under this subsection
511 may be expended only for nonrecurring operational expenditures
512 of the school district.

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513 Section 13. The amendments made by this act to subsection
514 (4) of section 1011.71, Florida Statutes, as carried forward by
515 this act from chapters 2007-328, 2008-2, 2008-142, and 2008-213,
516 Laws of Florida, shall expire July 1, 2009, and the text of that
517 subsection shall revert to that in existence on the day before
518 the effective date of chapter 2007-328, Laws of Florida, except
519 that any amendments to such text enacted other than by this act
520 and chapters 2007-328, 2008-2, 2008-142, and 2008-213, Laws of
521 Florida, shall be preserved and continue to operate to the
522 extent that the amendments are not dependent upon the portions
523 of such text which expire pursuant to this section.

524 Section 14. Paragraph (b) of subsection (6) of section
525 1013.64, Florida Statutes, is amended to read:

526 1013.64 Funds for comprehensive educational plant needs;
527 construction cost maximums for school district capital
528 projects.—Allocations from the Public Education Capital Outlay
529 and Debt Service Trust Fund to the various boards for capital
530 outlay projects shall be determined as follows:

531 (6)

532 (b)1. A district school board, including a district school
533 board of an academic performance-based charter school district,
534 must not use funds from the following sources: Public Education
535 Capital Outlay and Debt Service Trust Fund; School District and
536 Community College District Capital Outlay and Debt Service Trust
537 Fund; Classrooms First Program funds provided in s. 1013.68;
538 effort index grant funds provided in s. 1013.73; nonvoted 1.75-
539 mill ~~2-mill~~ levy of ad valorem property taxes provided in s.
540 1011.71(2); Classrooms for Kids Program funds provided in s.
541 1013.735; District Effort Recognition Program funds provided in

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542 s. 1013.736; or High Growth District Capital Outlay Assistance
543 Grant Program funds provided in s. 1013.738 for any new
544 construction of educational plant space with a total cost per
545 student station, including change orders, that equals more than:
546 a. \$17,952 for an elementary school,
547 b. \$19,386 for a middle school, or
548 c. \$25,181 for a high school,
549

550 (January 2006) as adjusted annually to reflect increases or
551 decreases in the Consumer Price Index.

552 2. A district school board must not use funds from the
553 Public Education Capital Outlay and Debt Service Trust Fund or
554 the School District and Community College District Capital
555 Outlay and Debt Service Trust Fund for any new construction of
556 an ancillary plant that exceeds 70 percent of the average cost
557 per square foot of new construction for all schools.

558 Section 15. Merit awards for instructional personnel and
559 school-based administrators selected for the Merit Award Program
560 in 2008-2009 shall be paid in the 2009-2010 fiscal year only to
561 the extent that funds are available and specifically
562 appropriated in the 2009-2010 fiscal year.

563 Section 16. If the Commissioner of Education determines
564 that a school district acted in good faith, he or she may waive
565 the equal-dollar reduction required in s. 1011.71(5), Florida
566 Statutes, for expenditures for property and casualty insurance
567 made between May 1 and December 31, 2007, and for the audit
568 findings for the 2006-2007 fiscal year related to the purchase
569 of software.

570 Section 17. In order to implement Specific Appropriations

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571 2, 3, and 42 through 45 of the Special Appropriations Act for
572 the 2008-2009 fiscal year, the calculations of the Florida
573 Education Finance Program for the 2008-2009 fiscal year in the
574 document entitled "Public School Funding - The Florida Education
575 Finance Program," dated January 8, 2009, and filed with the
576 Secretary of the Senate are incorporated by reference for the
577 purpose of displaying the calculations used by the Legislature,
578 consistent with requirements of the Florida Statutes, in making
579 appropriations and reductions in appropriations for the Florida
580 Education Finance Program.

581 Section 18. This act shall take effect February 1, 2009, or
582 upon becoming a law, whichever occurs later; however, if this
583 act becomes a law after February 1, 2009, the provisions of s.
584 1002.71, Florida Statutes, as amended by this act, shall operate
585 retroactively to February 1, 2009.