

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 13-C, 1st Eng.

Amendment No. 1 Barcode 083592

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Conference Committee on HB 13-C, 1st Eng. recommended the following amendment:

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

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "K-20 Funds Flexibility Act."

Section 2. (1) Notwithstanding section 216.292(3)(a) and (b), Florida Statutes, and pursuant to section 216.351, Florida Statutes, the Commissioner of Education and the Secretary of Education may transfer funds from identical fund sources between Salaries and Benefits, Other Personal Services, Expenses, and Operating Capital Outlay within, but not among, the budget entities listed below:

- (a) Office of Student Financial Assistance;
- (b) Division of Public Schools -- Executive Direction and Support Services;
- (c) State Oversight and Assistance -- Public Schools;
- (d) Division of Workforce Development -- Executive

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1 Direction and Support Services;

2 (e) Division of Community Colleges -- Executive

3 Direction and Support Services; and

4 (f) Division of Universities -- Board of Regents

5 General Office.

6 (2) Transfers pursuant to this section may not exceed  
7 the number of authorized positions and the approved salary  
8 rate.

9 (3) Transfers pursuant to this section must be  
10 consistent with K-20 legislative policy and intent and must  
11 not adversely affect the oversight, evaluation, or reporting  
12 duties for the Department of Education.

13 (4) The Secretary of Education shall report to the  
14 Florida Board of Education the amount of funds transferred  
15 pursuant to this section and the purpose of the transfer.

16 Section 3. (1)(a) During the 2001-2002 fiscal year,  
17 each district school board is authorized the following  
18 flexibility to expend funds allocated to the school district  
19 from the appropriations in chapter 2001-253, Laws of Florida:

20 1. If a district school board finds and declares in a  
21 resolution adopted at a regular meeting of the school board  
22 that the funds received for any of the following programs are  
23 urgently needed to maintain board-specified academic classroom  
24 instruction, the school board may consider and approve an  
25 amendment to the school district's 2001-2002 operating budget  
26 transferring the identified amount of funds to the appropriate  
27 account for expenditure:

28 a. Section 236.083, Florida Statutes, Funds for  
29 Student Transportation, Specific Appropriation 121.

30 b. Section 236.081(3), Florida Statutes, Funds for  
31 Inservice Educational Personnel Training, Specific

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1 Appropriation 122.

2 c. Funds allocated for Safe Schools Activities,  
3 Specific Appropriation 118.

4 d. Funds for Public School Technology, Specific  
5 Appropriation 120A.

6 e. Funds for Teacher Recruitment Signing Bonuses,  
7 Specific Appropriation 119, which are in excess of the amount  
8 required to provide \$850 Teacher Retention Bonuses.

9 f. Section 231.67, Florida Statutes, the Florida  
10 Teacher Lead Program Stipend, Specific Appropriation 122A,  
11 carry-forward funds only. Carry-forward funds from this  
12 program may be used only after the district school board  
13 certifies to the department that every eligible teacher has  
14 received his or her stipend.

15 2. If the district school board finds that funds  
16 allocated for the purpose set forth in section 236.08104,  
17 Florida Statutes, Supplemental Academic Instruction, Specific  
18 Appropriation 118, are budgeted to be expended for  
19 nonclassroom instruction, the school board may consider and  
20 approve an amendment to the school district's 2001-2002  
21 operating budget transferring such funds to an appropriate  
22 academic classroom instruction account for expenditure.

23 (b) Each district school board shall report to the  
24 Department of Education the amount of funds it transferred  
25 from each of the programs identified in this subsection and  
26 the specific academic classroom instruction for which these  
27 funds were expended. The department shall provide instructions  
28 and specify the format to be used in submitting this required  
29 information. The department shall submit to the Governor, the  
30 President of the Senate, and the Speaker of the House of  
31 Representatives a report showing the actions taken by each

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1 district school board and a statewide summary for all school  
2 districts.

3 (2) During the 2001-2002 fiscal year, district school  
4 boards may use funds reserved to comply with section  
5 230.23(5)(c), Florida Statutes, to maintain board-specified  
6 classroom instruction. However, each district's 2002-2003  
7 adopted district school board budget must comply with section  
8 230.23(5)(c), Florida Statutes.

9 Section 4. Paragraph 7 of the proviso language for  
10 Specific Appropriation 118 of chapter 2001-253, Laws of  
11 Florida, is repealed.

12 Section 5. (1) During the 2001-2002 fiscal year,  
13 community college boards of trustees and university boards of  
14 trustees may amend their operating budgets, but they must  
15 maintain the integrity of the legislative appropriations  
16 categories.

17 (2) Notwithstanding any provisions of law to the  
18 contrary and pursuant to the provisions of section 216.351,  
19 Florida Statutes, community college boards of trustees are  
20 granted flexibility to expend funds appropriated in the state  
21 appropriation categories of Workforce Development, Performance  
22 Based Incentives, and the Community College Program Fund as  
23 the board determines will enable it to best meet the financial  
24 needs of the college during fiscal year 2001-2002, regardless  
25 of any restrictions or earmarks that have been made by the  
26 Legislature. The expenditure decisions by the board must not  
27 affect the college's allocation from these specific  
28 appropriations in future state appropriations. In addition,  
29 this flexibility is also granted:

30 (a) To each board to determine how the college will  
31 expend its appropriation from High Demand-Return on Investment

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1 categorical appropriation for fiscal year 2001-2002;  
2 (b) To Miami-Dade Community College and Florida  
3 Community College at Jacksonville for funds originally  
4 appropriated for construction training; and  
5 (c) To Lake-Sumter Community College for funds  
6 originally appropriated only for technology.  
7 (3) Transfers made pursuant to this section must not  
8 require future increases in appropriations and must further  
9 the mission of the institutions and improve the ability to  
10 meet performance expectations referenced in section 55 of  
11 chapter 2001-254, Laws of Florida. Maximum consideration must  
12 be given to maintaining instruction and other services for  
13 students.

14 Section 6. Subsection (2) of section 235.187, Florida  
15 Statutes, is amended and subsection (6) is added to that  
16 section to read:

17 235.187 Classrooms First Program; uses.--

18 (2) A district school board shall expend the funds  
19 received pursuant to this section only to:

20 (a) Construct, renovate, remodel, repair, or maintain  
21 educational facilities; ~~or~~

22 (b) Pay debt service on bonds issued pursuant to this  
23 section, the proceeds of which must be expended for new  
24 construction, remodeling, renovation, and major repairs. Bond  
25 proceeds shall be expended first for providing permanent  
26 classroom facilities. Bond proceeds shall not be expended for  
27 any other facilities until all unmet needs for permanent  
28 classrooms and auxiliary facilities as defined in s. 235.011  
29 have been satisfied; ~~or-~~

30 (c) Provide loans to other school districts for new  
31 school construction pursuant to subsection (6).

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However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, major repair, or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this requirement.

(6) School districts may enter into interlocal agreements to lend their Classrooms First Program funds as provided in paragraph (2)(c). A school district or multiple school districts that receive cash proceeds may, after considering their own new construction needs outlined in their 5-year district facilities work program, lend their Classrooms First Program funds to another school district that has need for new facilities. The interlocal agreement must be approved by the Secretary of Education and must outline the amount of the funds to be lent, the term of the loan, the repayment schedule, and any interest amount to be repaid in addition to the principal amount of the loan.

Section 7. This act shall take effect upon becoming a law and, except for section 6, expires June 30, 2002.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled  
An act relating to education funding; creating  
the "K-20 Funds Flexibility Act"; granting the

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1 Commissioner of Education and Secretary of  
2 Education flexibility with respect to specified  
3 provisions; providing for school district  
4 flexibility in the expenditure during the  
5 2001-2002 fiscal year of specified funds  
6 appropriated in ch. 2001-253, Laws of Florida;  
7 providing for reports; providing for districts  
8 to use reserved funds for classroom  
9 instruction; providing for compliance with s.  
10 230.23, F.S.; repealing paragraph 7 of proviso  
11 language for Specific Appropriation 118, ch.  
12 2001-253, Laws of Florida, which provides for  
13 calculation of a minimum guaranteed level of  
14 funding for school districts; providing  
15 flexibility for community college and  
16 university boards of trustees in amending  
17 operating budgets; providing flexibility for  
18 community college boards of trustees to  
19 transfer funds between specified programs;  
20 providing that transfers must meet certain  
21 criteria and improve the ability to meet  
22 performance expectations; amending s. 235.187,  
23 F.S.; providing for loans of Classrooms First  
24 Program cash proceeds between school districts;  
25 providing for expiration; providing an  
26 effective date.

27  
28 WHEREAS, the Legislature has established a seamless  
29 K-20 education governance system, NOW, THEREFORE,  
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