

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

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

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

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

15 (a) Office of Student Financial Assistance;

16 (b) Division of Public Schools -- Executive Direction
17 and Support Services;

18 (c) State Oversight and Assistance -- Public Schools;

19 (d) Division of Workforce Development -- Executive
20 Direction and Support Services;

21 (e) Division of Community Colleges -- Executive
22 Direction and Support Services; and

23 (f) Division of Universities -- Board of Regents
24 General Office.

25 (2) Transfers pursuant to this section may not exceed
26 the number of authorized positions and the approved salary
27 rate.

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

1 (4) The Secretary of Education shall report to the
2 Florida Board of Education the amount of funds transferred
3 pursuant to this section and the purpose of the transfer.

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

8 1. If a district school board finds and declares in a
9 resolution adopted at a regular meeting of the school board
10 that the funds received for any of the following programs are
11 urgently needed to maintain board-specified academic classroom
12 instruction, the school board may consider and approve an
13 amendment to the school district's 2001-2002 operating budget
14 transferring the identified amount of funds to the appropriate
15 account for expenditure:

16 a. Section 236.083, Florida Statutes, Funds for
17 Student Transportation, Specific Appropriation 121.

18 b. Section 236.081(3), Florida Statutes, Funds for
19 Inservice Educational Personnel Training, Specific
20 Appropriation 122.

21 c. Funds allocated for Safe Schools Activities,
22 Specific Appropriation 118.

23 d. Funds for Public School Technology, Specific
24 Appropriation 120A.

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

28 f. Section 231.67, Florida Statutes, the Florida
29 Teacher Lead Program Stipend, Specific Appropriation 122A,
30 carry-forward funds only. Carry-forward funds from this
31 program may be used only after the district school board

1 certifies to the department that every eligible teacher has
2 received his or her stipend.

3 2. If the district school board finds that funds
4 allocated for the purpose set forth in section 236.08104,
5 Florida Statutes, Supplemental Academic Instruction, Specific
6 Appropriation 118, are budgeted to be expended for
7 nonclassroom instruction, the school board may consider and
8 approve an amendment to the school district's 2001-2002
9 operating budget transferring such funds to an appropriate
10 academic classroom instruction account for expenditure.

11 (b) Each district school board shall report to the
12 Department of Education the amount of funds it transferred
13 from each of the programs identified in this subsection and
14 the specific academic classroom instruction for which these
15 funds were expended. The department shall provide instructions
16 and specify the format to be used in submitting this required
17 information. The department shall submit to the Governor, the
18 President of the Senate, and the Speaker of the House of
19 Representatives a report showing the actions taken by each
20 district school board and a statewide summary for all school
21 districts.

22 (2) During the 2001-2002 fiscal year, district school
23 boards may use funds reserved to comply with section
24 230.23(5)(c), Florida Statutes, to maintain board-specified
25 classroom instruction. However, each district's 2002-2003
26 adopted district school board budget must comply with section
27 230.23(5)(c), Florida Statutes.

28 Section 4. Paragraph 7 of the proviso language for
29 Specific Appropriation 118 of chapter 2001-253, Laws of
30 Florida, is repealed.

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

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

19 (a) To each board to determine how the college will
20 expend its appropriation from High Demand-Return on Investment
21 categorical appropriation for fiscal year 2001-2002;

22 (b) To Miami-Dade Community College and Florida
23 Community College at Jacksonville for funds originally
24 appropriated for construction training; and

25 (c) To Lake-Sumter Community College for funds
26 originally appropriated only for technology.

27 (3) Transfers made pursuant to this section must not
28 require future increases in appropriations and must further
29 the mission of the institutions and improve the ability to
30 meet performance expectations referenced in section 55 of
31 chapter 2001-254, Laws of Florida. Maximum consideration must

1 be given to maintaining instruction and other services for
2 students.

3 Section 6. Subsection (2) of section 235.187, Florida
4 Statutes, is amended and subsection (6) is added to that
5 section to read:

6 235.187 Classrooms First Program; uses.--

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

9 (a) Construct, renovate, remodel, repair, or maintain
10 educational facilities; ~~or~~

11 (b) Pay debt service on bonds issued pursuant to this
12 section, the proceeds of which must be expended for new
13 construction, remodeling, renovation, and major repairs. Bond
14 proceeds shall be expended first for providing permanent
15 classroom facilities. Bond proceeds shall not be expended for
16 any other facilities until all unmet needs for permanent
17 classrooms and auxiliary facilities as defined in s. 235.011
18 have been satisfied; ~~or-~~

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

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

28 (6) School districts may enter into interlocal
29 agreements to lend their Classrooms First Program funds as
30 provided in paragraph (2)(c). A school district or multiple
31 school districts that receive cash proceeds may, after

1 considering their own new construction needs outlined in their
2 5-year district facilities work program, lend their Classrooms
3 First Program funds to another school district that has need
4 for new facilities. The interlocal agreement must be approved
5 by the Secretary of Education and must outline the amount of
6 the funds to be lent, the term of the loan, the repayment
7 schedule, and any interest amount to be repaid in addition to
8 the principal amount of the loan.

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