

By Senator Sullivan

22-1407-02

1 A bill to be entitled
2 An act relating to education; creating the
3 "K-20 Funds Flexibility Act"; authorizing the
4 Secretary of Education, in consultation with
5 the Commissioner of Education, to reorganize
6 the structure, staff, and funding of the
7 Department of Education to implement the
8 changes in the state education system resulting
9 from the 1998 constitutional amendment;
10 providing for appropriation of categorical
11 funds; providing powers of district school
12 boards with respect to transferring funds
13 between categories; repealing paragraph 7 of
14 proviso language for Specific Appropriation
15 118, ch. 2001-253, Laws of Florida, which
16 provides for calculation of a minimum
17 guaranteed level of funding for school
18 districts; providing flexibility for community
19 college and university boards of trustees in
20 amending operating budgets; providing
21 flexibility for community college boards of
22 trustees to transfer funds between specified
23 programs; providing that transfers must meet
24 certain criteria and improve the ability to
25 meet performance expectations; providing an
26 effective date.

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

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30 Section 1. The Secretary of Education, in consultation
31 with the Commissioner of Education, is authorized to

1 establish, abolish, or consolidate bureaus, sections, and
2 subsections and to reallocate duties and functions within the
3 Department of Education in order to promote effective and
4 efficient operation of the department and to implement changes
5 to the state system of education initiated by the adoption of
6 the 1998 amendment to Article IX of the State Constitution as
7 implemented by the Legislature in chapter 2001-170, Laws of
8 Florida. Authorized positions and appropriations may be
9 transferred from one budget entity to another as required to
10 implement the reorganization. The secretary may not establish,
11 abolish, or consolidate bureaus, sections, or subsections
12 after December 31, 2002, unless such action is approved by the
13 Legislative Budget Commission. The secretary shall provide a
14 report on the reorganization to the President of the Senate,
15 the Speaker of the House of Representatives, the minority
16 leaders of the Senate and the House of Representatives, and
17 the chairs of the educational appropriations committees of the
18 Legislature by January 1, 2003.

19 Section 2. Categorical funds.--

20 (1) In addition to the basic amount for current
21 operations for the Florida Education Finance Program, the
22 Legislature may appropriate categorical funding for specified
23 programs, activities, or purposes.

24 (2) If a district school board finds and declares in a
25 resolution adopted at a regular meeting of the school board
26 that the funds received for any of the following categorical
27 appropriations are urgently needed to maintain
28 school-board-specified academic classroom instruction, the
29 board may consider and approve an amendment to the school
30 district operating budget transferring the identified amount

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1 of the categorical funds to the appropriate account for
2 expenditure:

3 (a) Funds for student transportation.

4 (b) Funds for in-service educational personnel
5 training.

6 (c) Funds for safe schools.

7 (d) Funds for public school technology.

8 (e) Funds for teacher recruitment and retention.

9 (f) Funds for supplemental academic instruction.

10 (3) Each district school board shall include in its
11 annual financial report to the Department of Education the
12 amount of funds the board transferred from each of the
13 categorical funds identified in this section and the specific
14 academic classroom instruction for which the transferred funds
15 were expended. The Department of Education shall provide
16 instructions and specify the format to be used in submitting
17 this required information as a part of the district annual
18 financial report.

19 Section 3. Paragraph 7 of the proviso language for
20 Specific Appropriation 118 of chapter 2001-253, Laws of
21 Florida, is repealed.

22 Section 4. (1) Community college boards of trustees
23 and university boards of trustees may amend their operating
24 budgets, but they must maintain the integrity of the
25 legislative appropriations categories.

26 (2) Notwithstanding any provisions of law to the
27 contrary and pursuant to the provisions of section 216.351,
28 Florida Statutes, community college boards of trustees are
29 granted flexibility to expend funds appropriated in the state
30 appropriation categories of Workforce Development, Performance
31 Based Incentives, and the Community College Program Fund as

1 the board determines will enable it to best meet the financial
2 needs of the college, regardless of any restrictions or
3 earmarks that have been made by the Legislature. The
4 expenditure decisions by the board must not affect the
5 college's allocation from these specific appropriations in
6 future state appropriations.

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 5. This act shall take effect upon becoming a
15 law.

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18 SENATE SUMMARY

19 Authorizes the Secretary of Education to reorganize the
20 Department of Education, in consultation with the
21 Commissioner of Education, to implement changes resulting
22 from the 1998 amendment of the State Constitution.
23 Provides district school boards and community college
24 boards of trustees flexibility in allocation of funds.
25 (See bill for details.)
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