

1 A bill to be entitled
2 An act relating to education funding; amending s. 201.15,
3 F.S.; revising the use of excise taxes on documents
4 distributed to the Public Education Capital Outlay and
5 Debt Service Trust Fund; amending s. 551.106, F.S.;
6 allowing slot machine tax revenue to be made available for
7 bond payments if necessary to comply with bond covenants;
8 amending s. 1001.451, F.S.; authorizing regional
9 consortium service organizations to determine the use of
10 funds; specifying the time period for distribution of
11 funds; amending s. 1003.03, F.S.; revising the schedule of
12 the implementation of class size compliance at the
13 district and school levels; amending s. 1009.535, F.S.;
14 increasing the award for Florida Medallion Scholars
15 enrolled in community college associate degree programs;
16 amending s. 1011.62, F.S.; revising provisions relating to
17 the funding computation of special programs; authorizing
18 additional full-time equivalent membership for the Florida
19 Virtual School; revising provisions relating to the prior
20 year final taxable value; amending s. 1013.64, F.S.;
21 revising construction cost maximums for school district
22 capital outlay projects; conforming provisions; creating
23 s. 1013.734, F.S.; establishing the Class Size Reduction
24 Construction Completion Program; providing for the
25 allocation of funds; providing requirements for district
26 participation in the program; providing for use of the
27 funds; amending s. 1013.738, F.S.; conforming provisions;
28 creating s. 1013.739, F.S.; establishing the Classroom

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29 Capacity Assistance Grant Program; providing for the
30 allocation of funds; providing requirements for district
31 participation in the program; providing for use of the
32 funds; providing effective dates.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraph (d) of subsection (1) of section
37 201.15, Florida Statutes, is amended to read:

38 201.15 Distribution of taxes collected.--All taxes
39 collected under this chapter shall be distributed as follows and
40 shall be subject to the service charge imposed in s. 215.20(1),
41 except that such service charge shall not be levied against any
42 portion of taxes pledged to debt service on bonds to the extent
43 that the amount of the service charge is required to pay any
44 amounts relating to the bonds:

45 (1) Sixty-two and sixty-three hundredths percent of the
46 remaining taxes collected under this chapter shall be used for
47 the following purposes:

48 (d) The remainder of the moneys distributed under this
49 subsection, after the required payments under paragraphs (a),
50 (b), and (c), shall be paid into the State Treasury to the
51 credit of:

52 1. The State Transportation Trust Fund in the Department
53 of Transportation in the amount of \$541.75 million in each
54 fiscal year, to be paid in quarterly installments and used for
55 the following specified purposes, notwithstanding any other law
56 to the contrary:

57 a. For the purposes of capital funding for the New Starts
 58 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
 59 specified in s. 341.051, 10 percent of these funds;

60 b. For the purposes of the Small County Outreach Program
 61 specified in s. 339.2818, 5 percent of these funds;

62 c. For the purposes of the Strategic Intermodal System
 63 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
 64 of these funds after allocating for the New Starts Transit
 65 Program described in sub-subparagraph a. and the Small County
 66 Outreach Program described in sub-subparagraph b.; and

67 d. For the purposes of the Transportation Regional
 68 Incentive Program specified in s. 339.2819, 25 percent of these
 69 funds after allocating for the New Starts Transit Program
 70 described in sub-subparagraph a. and the Small County Outreach
 71 Program described in sub-subparagraph b.

72 2. The Water Protection and Sustainability Program Trust
 73 Fund in the Department of Environmental Protection in the amount
 74 of \$100 million in each fiscal year, to be paid in quarterly
 75 installments and used as required by s. 403.890.

76 3. The Public Education Capital Outlay and Debt Service
 77 Trust Fund in the Department of Education in the amount of \$105
 78 million in each fiscal year, to be paid in monthly installments
 79 for the purpose of funding the Classroom Capacity Assistance
 80 Grant Program established pursuant to s. 1013.739 ~~with \$75~~
 81 ~~million used to fund the Classrooms for Kids Program created in~~
 82 ~~s. 1013.735, and \$30 million to be used to fund the High Growth~~
 83 ~~County District Capital Outlay Assistance Grant Program created~~
 84 ~~in s. 1013.738. If required, new facilities constructed under~~

85 ~~the Classrooms for Kids Program must meet the requirements of s.~~
 86 ~~1013.372.~~

87 4. The Grants and Donations Trust Fund in the Department
 88 of Community Affairs in the amount of \$3.25 million in each
 89 fiscal year to be paid in monthly installments, with \$3 million
 90 to be used to fund technical assistance to local governments and
 91 school boards on the requirements and implementation of this act
 92 and \$250,000 to be used to fund the Century Commission
 93 established in s. 163.3247.

94
 95 Moneys distributed pursuant to this paragraph may not be pledged
 96 for debt service unless such pledge is approved by referendum of
 97 the voters.

98 Section 2. Effective July 1, 2007, paragraph (d) of
 99 subsection (1) of section 201.15, Florida Statutes, as amended
 100 by chapter 2005-92, Laws of Florida, is amended to read:

101 201.15 Distribution of taxes collected.--All taxes
 102 collected under this chapter shall be distributed as follows and
 103 shall be subject to the service charge imposed in s. 215.20(1),
 104 except that such service charge shall not be levied against any
 105 portion of taxes pledged to debt service on bonds to the extent
 106 that the amount of the service charge is required to pay any
 107 amounts relating to the bonds:

108 (1) Sixty-two and sixty-three hundredths percent of the
 109 remaining taxes collected under this chapter shall be used for
 110 the following purposes:

111 (d) The remainder of the moneys distributed under this
 112 subsection, after the required payments under paragraphs (a),

113 (b), and (c), shall be paid into the State Treasury to the
 114 credit of:

115 1. The State Transportation Trust Fund in the Department
 116 of Transportation in the amount of \$541.75 million in each
 117 fiscal year, to be paid in quarterly installments and used for
 118 the following specified purposes, notwithstanding any other law
 119 to the contrary:

120 a. For the purposes of capital funding for the New Starts
 121 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
 122 specified in s. 341.051, 10 percent of these funds;

123 b. For the purposes of the Small County Outreach Program
 124 specified in s. 339.2818, 5 percent of these funds;

125 c. For the purposes of the Strategic Intermodal System
 126 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
 127 of these funds after allocating for the New Starts Transit
 128 Program described in sub-subparagraph a. and the Small County
 129 Outreach Program described in sub-subparagraph b.; and

130 d. For the purposes of the Transportation Regional
 131 Incentive Program specified in s. 339.2819, 25 percent of these
 132 funds after allocating for the New Starts Transit Program
 133 described in sub-subparagraph a. and the Small County Outreach
 134 Program described in sub-subparagraph b.

135 2. The Water Protection and Sustainability Program Trust
 136 Fund in the Department of Environmental Protection in the amount
 137 of \$100 million in each fiscal year, to be paid in quarterly
 138 installments and used as required by s. 403.890.

139 3. The Public Education Capital Outlay and Debt Service
 140 Trust Fund in the Department of Education in the amount of \$105

141 million in each fiscal year, to be paid in monthly installments
 142 for the purpose of funding the Classroom Capacity Assistance
 143 Grant Program established pursuant to s. 1013.739 with \$75
 144 ~~million used to fund the Classrooms for Kids Program created in~~
 145 ~~s. 1013.735, and \$30 million to be used to fund the High Growth~~
 146 ~~County District Capital Outlay Assistance Grant Program created~~
 147 ~~in s. 1013.738. If required, new facilities constructed under~~
 148 ~~the Classrooms for Kids Program must meet the requirements of s.~~
 149 ~~1013.372.~~

150 4. The Grants and Donations Trust Fund in the Department
 151 of Community Affairs in the amount of \$3.25 million in each
 152 fiscal year to be paid in monthly installments, with \$3 million
 153 to be used to fund technical assistance to local governments and
 154 school boards on the requirements and implementation of this act
 155 and \$250,000 to be used to fund the Century Commission
 156 established in s. 163.3247.

157
 158 Moneys distributed pursuant to this paragraph may not be pledged
 159 for debt service unless such pledge is approved by referendum of
 160 the voters.

161 Section 3. Paragraph (c) of subsection (2) of section
 162 551.106, Florida Statutes, is amended to read:

163 551.106 License fee; tax rate; penalties.--

164 (2) TAX ON SLOT MACHINE REVENUES.--

165 (c)1. Funds transferred to the Educational Enhancement
 166 Trust Fund under paragraph (b) shall be used to supplement
 167 public education funding statewide and shall not be used for
 168 recurring appropriations.

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169 2. If necessary to comply with any covenant established
170 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
171 funds transferred to the Educational Enhancement Trust Fund
172 under paragraph (b) shall first be available to pay debt service
173 on lottery bonds issued to fund school construction in the event
174 lottery revenues are insufficient for such purpose or to satisfy
175 debt service reserve requirements established in connection with
176 lottery bonds. Moneys available pursuant to this subparagraph
177 are subject to annual appropriation by the Legislature.

178 Section 4. Paragraph (a) of subsection (2) of section
179 1001.451, Florida Statutes, is amended to read:

180 1001.451 Regional consortium service organizations.--In
181 order to provide a full range of programs to larger numbers of
182 students, minimize duplication of services, and encourage the
183 development of new programs and services:

184 (2) (a) Each regional consortium service organization that
185 consists of four or more school districts is eligible to
186 receive, through the Department of Education, an incentive grant
187 of \$50,000 per school district and eligible member to be used
188 for the delivery of services within the participating school
189 districts. The determination of services and use of such funds
190 shall be established by the board of directors of the regional
191 consortium service organization. The funds shall be distributed
192 to each regional consortium service organization no later than
193 30 days following the release of the funds to the department.

194 Section 5. Paragraph (b) of subsection (2) of section
195 1003.03, Florida Statutes, is amended to read:

196 1003.03 Maximum class size.--

197 (2) IMPLEMENTATION.--

198 (b) Determination of the number of students per classroom
 199 in paragraph (a) shall be calculated as follows:

200 1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~,
 201 the calculation for compliance for each of the 3 grade groupings
 202 shall be the average at the district level.

203 2. For fiscal year ~~years 2006-2007~~ through 2007-2008, the
 204 calculation for compliance for each of the 3 grade groupings
 205 shall be the average at the school level.

206 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
 207 the calculation for compliance shall be at the individual
 208 classroom level.

209 Section 6. Subsection (2) of section 1009.535, Florida
 210 Statutes, is amended to read:

211 1009.535 Florida Medallion Scholars award.--

212 (2) A Florida Medallion Scholar is eligible for an award
 213 equal to the amount required to pay 75 percent of tuition and
 214 fees, if the student is enrolled in a state university or a
 215 baccalaureate degree program authorized pursuant to s. 1007.33.
 216 A Florida Medallion Scholar is eligible for an award equal to
 217 the amount required to pay 100 percent of tuition and fees for
 218 college credit courses leading to an associate degree if the
 219 student is enrolled in a community college ~~public postsecondary~~
 220 ~~education institution~~. A student who is enrolled in a nonpublic
 221 postsecondary education institution is eligible for an award
 222 equal to the amount that would be required to pay 75 percent of
 223 the tuition and fees of a public postsecondary education
 224 institution at the comparable level.

225 Section 7. Effective June 1, 2006, or if this act fails to
 226 become a law until after that date, effective upon this act
 227 becoming a law and operating retroactively to June 1, 2006,
 228 paragraph (d) of subsection (1), paragraphs (a) and (b) of
 229 subsection (4), and paragraph (b) of subsection (9) of section
 230 1011.62, Florida Statutes, are amended, paragraphs (o), (p),
 231 (q), and (r) of subsection (1) are redesignated as paragraphs
 232 (p), (q), (r), and (s), respectively, and a new paragraph (o) is
 233 added to that subsection, to read:

234 1011.62 Funds for operation of schools.--If the annual
 235 allocation from the Florida Education Finance Program to each
 236 district for operation of schools is not determined in the
 237 annual appropriations act or the substantive bill implementing
 238 the annual appropriations act, it shall be determined as
 239 follows:

240 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 241 OPERATION.--The following procedure shall be followed in
 242 determining the annual allocation to each district for
 243 operation:

244 (d) Annual allocation calculation.--

245 1. The Department of Education is authorized and directed
 246 to review all district programs and enrollment projections and
 247 calculate a maximum total weighted full-time equivalent student
 248 enrollment for each district for the K-12 FEFP.

249 2. Maximum enrollments calculated by the department shall
 250 be derived from enrollment estimates used by the Legislature to
 251 calculate the FEFP. If two or more districts enter into an
 252 agreement under the provisions of s. 1001.42(4)(d), after the

253 final enrollment estimate is agreed upon, the amount of FTE
254 specified in the agreement, not to exceed the estimate for the
255 specific program as identified in paragraph (c), may be
256 transferred from the participating districts to the district
257 providing the program.

258 3. As part of its calculation of each district's maximum
259 total weighted full-time equivalent student enrollment, the
260 department shall establish separate enrollment ceilings for each
261 of two program groups. Group 1 shall be composed of basic
262 programs for grades K-3, grades 4-8, and grades 9-12. Group 2
263 shall be composed of students in exceptional student education
264 programs support levels IV and V, English for Speakers of Other
265 Languages programs, and all career programs in grades 9-12 ~~7-12~~.

266 a. For any calculation of the FEFP, the enrollment ceiling
267 for group 1 shall be calculated by multiplying the actual
268 enrollment for each program in the program group by its
269 appropriate program weight.

270 ~~b.a.~~ The weighted enrollment ceiling for group 2 programs
271 shall be calculated by multiplying the ~~final~~ enrollment
272 ~~conference estimate~~ for each program by the appropriate program
273 weight as provided in the General Appropriations Act. The
274 weighted enrollment ceiling for program group 2 shall be the sum
275 of the weighted enrollment ceilings for each program in the
276 program group, plus the increase in weighted full-time
277 equivalent student membership from the prior year for clients of
278 the Department of Children and Family Services and the
279 Department of Juvenile Justice.

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280 ~~c.b.~~ If, for any calculation of the FEFP, the weighted
281 enrollment for program group 2, derived by multiplying actual
282 enrollments by appropriate program weights, exceeds the
283 enrollment ceiling for that group, the following procedure shall
284 be followed to reduce the weighted enrollment for that group to
285 equal the enrollment ceiling:

286 (I) The weighted enrollment ceiling for each program in
287 the program group shall be subtracted from the weighted
288 enrollment for that program derived from actual enrollments.

289 (II) If the difference calculated under sub-sub-
290 subparagraph (I) is greater than zero for any program, a
291 reduction proportion shall be computed for the program by
292 dividing the absolute value of the difference by the total
293 amount by which the weighted enrollment for the program group
294 exceeds the weighted enrollment ceiling for the program group.

295 (III) The reduction proportion calculated under sub-sub-
296 subparagraph (II) shall be multiplied by the total amount of the
297 program group's enrollment over the ceiling as calculated under
298 sub-sub-subparagraph (I).

299 (IV) The prorated reduction amount calculated under sub-
300 sub-subparagraph (III) shall be subtracted from the program's
301 weighted enrollment to produce a revised program weighted
302 enrollment. ~~For any calculation of the FEFP, the enrollment~~
303 ~~ceiling for group 1 shall be calculated by multiplying the~~
304 ~~actual enrollment for each program in the program group by its~~
305 ~~appropriate program weight.~~

306 (V) The prorated reduction amount calculated under sub-
307 sub-subparagraph (III) shall be divided by the appropriate

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308 program weight and the result shall be added to the revised
309 program weighted enrollment computed in sub-sub-subparagraph
310 (IV).

311 ~~e. For program group 2, the weighted enrollment ceiling~~
312 ~~shall be a number not less than the sum obtained by:~~

313 ~~(I) Multiplying the sum of reported FTE for all programs~~
314 ~~in the program group that have a cost factor of 1.0 or more by~~
315 ~~1.0, and~~

316 ~~(II) By adding this number to the sum obtained by~~
317 ~~multiplying the projected FTE for all programs with a cost~~
318 ~~factor less than 1.0 by the actual cost factor.~~

319 ~~4. Following completion of the weighted enrollment ceiling~~
320 ~~calculation as provided in subparagraph 3., a supplemental~~
321 ~~capping calculation shall be employed for those districts that~~
322 ~~are over their weighted enrollment ceiling. For each such~~
323 ~~district, the total reported unweighted FTE enrollment for group~~
324 ~~2 programs shall be compared with the total appropriated~~
325 ~~unweighted FTE enrollment for group 2 programs. If the total~~
326 ~~reported unweighted FTE for group 2 is greater than the~~
327 ~~appropriated unweighted FTE, then the excess unweighted FTE up~~
328 ~~to the unweighted FTE transferred from group 2 to group 1 for~~
329 ~~each district by the Public School FTE Estimating Conference~~
330 ~~shall be funded at a weight of 1.0 and added to the funded~~
331 ~~weighted FTE computed in subparagraph 3.~~

332 (o) Calculation of additional full-time equivalent
333 membership for the Florida Virtual School.--The total reported
334 full-time equivalent student membership for the Florida Virtual
335 School shall be multiplied by 0.114 and such value shall be

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336 added to the total full-time equivalent student membership.

337 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
338 Legislature shall prescribe the aggregate required local effort
339 for all school districts collectively as an item in the General
340 Appropriations Act for each fiscal year. The amount that each
341 district shall provide annually toward the cost of the Florida
342 Education Finance Program for kindergarten through grade 12
343 programs shall be calculated as follows:

344 (a) Estimated taxable value calculations.--

345 1.a. Not later than 2 working days prior to July 19, the
346 Department of Revenue shall certify to the Commissioner of
347 Education its most recent estimate of the taxable value for
348 school purposes in each school district and the total for all
349 school districts in the state for the current calendar year
350 based on the latest available data obtained from the local
351 property appraisers. Not later than July 19, the Commissioner of
352 Education shall compute a millage rate, rounded to the next
353 highest one one-thousandth of a mill, which, when applied to 95
354 percent of the estimated state total taxable value for school
355 purposes, would generate the prescribed aggregate required local
356 effort for that year for all districts. The Commissioner of
357 Education shall certify to each district school board the
358 millage rate, computed as prescribed in this subparagraph, as
359 the minimum millage rate necessary to provide the district
360 required local effort for that year.

361 b. The General Appropriations Act shall direct the
362 computation of the statewide adjusted aggregate amount for
363 required local effort for all school districts collectively from

364 ad valorem taxes to ensure that no school district's revenue
 365 from required local effort millage will produce more than 90
 366 percent of the district's total Florida Education Finance
 367 Program calculation, and the adjustment of the required local
 368 effort millage rate of each district that produces more than 90
 369 percent of its total Florida Education Finance Program
 370 entitlement to a level that will produce only 90 percent of its
 371 total Florida Education Finance Program entitlement in the July
 372 calculation.

373 2. As revised data are received from property appraisers,
 374 the Department of Revenue shall amend the certification of the
 375 estimate of the taxable value for school purposes. ~~The~~
 376 ~~Commissioner of Education, in administering the provisions of~~
 377 ~~subparagraph (9)(a)2., shall use the most recent taxable value~~
 378 ~~for the appropriate year.~~

379 (b) Final calculation.--

380 1. On September 1 of each year, the Department of Revenue
 381 shall, ~~upon receipt of the official final assessed value of~~
 382 ~~property from each of the property appraisers,~~ certify to the
 383 Commissioner of Education the total of the prior year final
 384 taxable value total for school purposes in each school district
 385 and the total for all school districts in the state, ~~subject to~~
 386 ~~the provisions of paragraph (d).~~ The commissioner shall use the
 387 ~~official~~ final taxable value certified on September 1 for school
 388 purposes for each school district in the final calculation of
 389 the annual Florida Education Finance Program allocations.

390 2. For ~~the~~ purposes of this paragraph, the official final
 391 taxable value for school purposes shall be the taxable value for

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392 school purposes on which the tax bills are computed and mailed
393 to the taxpayers, adjusted to reflect final administrative
394 actions of value adjustment boards and judicial decisions
395 pursuant to ~~part I of~~ chapter 194. ~~By September 1 of each year,~~
396 ~~the Department of Revenue shall certify to the commissioner the~~
397 ~~official prior year final taxable value for school purposes.~~ For
398 each county that has not submitted a revised tax roll reflecting
399 final value adjustment board actions and final judicial
400 decisions, the Department of Revenue shall certify the most
401 recent revision of the official taxable value for school
402 purposes. The ~~certified~~ value certified on September 1 shall be
403 the final taxable value for school purposes for that year, and
404 no further adjustments shall be made, except those made pursuant
405 to paragraph (9) (b) ~~subparagraph (9) (a) 2~~.

406 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
407 CURRENT OPERATION.--The total annual state allocation to each
408 district for current operation for the FEFP shall be distributed
409 periodically in the manner prescribed in the General
410 Appropriations Act.

411 (b) The amount thus obtained shall be the net annual
412 allocation to each school district. However, if it is determined
413 that any school district received an underallocation or
414 overallocation for any prior year because of an arithmetical
415 error, assessment roll change required by final judicial
416 decision, full-time equivalent student membership error, or any
417 allocation error revealed in an audit report, the allocation to
418 that district shall be appropriately adjusted. Beginning with
419 audits for the 2001-2002 fiscal year, if the adjustment is the

420 result of an audit finding in which group 2 FTE are reclassified
 421 to the basic program and the district weighted FTE are over the
 422 weighted enrollment ceiling for group 2 programs, the adjustment
 423 shall not result in a gain of state funds to the district. If
 424 the Department of Education audit adjustment recommendation is
 425 based upon controverted findings of fact, the Commissioner of
 426 Education is authorized to establish the amount of the
 427 adjustment based on the best interests of the state.

428 Section 8. Paragraph (b) of subsection (6) and subsection
 429 (7) of section 1013.64, Florida Statutes, are amended to read:

430 1013.64 Funds for comprehensive educational plant needs;
 431 construction cost maximums for school district capital
 432 projects.--Allocations from the Public Education Capital Outlay
 433 and Debt Service Trust Fund to the various boards for capital
 434 outlay projects shall be determined as follows:

435 (6)

436 (b)1. A district school board, including a district school
 437 board of an academic performance-based charter school district,
 438 must not use funds from the following sources: Public Education
 439 Capital Outlay and Debt Service Trust Fund; School District and
 440 Community College District Capital Outlay and Debt Service Trust
 441 Fund; Classrooms First Program funds provided in s. 1013.68;
 442 effort index grant funds provided in s. 1013.73; nonvoted 2-mill
 443 levy of ad valorem property taxes provided in s. 1011.71(2);
 444 Classrooms for Kids ~~Infrastructure~~ Program funds provided in s.
 445 1013.735; or District Effort Recognition Program funds provided
 446 in s. 1013.736 for any new construction of educational plant
 447 space with a total cost per student station, including change

448 orders, that equals more than:

- 449 a. \$17,952 ~~\$12,755~~ for an elementary school,
- 450 b. \$19,386 ~~\$14,624~~ for a middle school, or
- 451 c. \$25,181 ~~\$19,352~~ for a high school,

452
 453 (January 2006 ~~2002~~) as adjusted annually to reflect increases or
 454 decreases in the Consumer Price Index.

455 2. A district school board must not use funds from the
 456 Public Education Capital Outlay and Debt Service Trust Fund or
 457 the School District and Community College District Capital
 458 Outlay and Debt Service Trust Fund for any new construction of
 459 an ancillary plant that exceeds 70 percent of the average cost
 460 per square foot of new construction for all schools.

461 ~~(7) Moneys distributed to the Public Education Capital~~
 462 ~~Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)~~
 463 ~~to fund the Classrooms for Kids Program created in s. 1013.735~~
 464 ~~and the High Growth County District Capital Outlay Assistance~~
 465 ~~Grant Program created in s. 1013.738 shall be distributed as~~
 466 ~~provided by those sections.~~

467 Section 9. Section 1013.734, Florida Statutes, is created
 468 to read:

469 1013.734 Class Size Reduction Construction Completion
 470 Program.--

471 (1) ALLOCATION.--The department shall allocate funds
 472 appropriated to school districts excluding lab schools for the
 473 Class Size Reduction Construction Completion Program, which is
 474 hereby established. It is the intent of the Legislature that
 475 this program be administered as nearly as practicable in the

476 same manner as the capital outlay program authorized under s.
477 9(a), Art. XII of the State Constitution. Each district school
478 board's share of the annual appropriation for the Class Size
479 Reduction Construction Completion Program must be calculated
480 according to the following formula:

481 (a) Sixty percent of the appropriation shall be prorated
482 to the districts based on each district's percentage of K-12
483 prior year capital outlay full-time equivalent membership.

484 (b) Thirty percent of the appropriation shall be based on
485 each district's percentage of K-12 growth capital outlay full-
486 time equivalent membership as specified for the allocation of
487 funds from the Public Education Capital Outlay and Debt Service
488 Trust Fund by s. 1013.64(3).

489 (c) Ten percent of the appropriation shall be allocated
490 among the districts according to the allocation formula in s.
491 1013.64(1)(a), excluding adult vocational technical facilities.

492 (2) DISTRICT PARTICIPATION.--In order to participate in
493 the Class Size Reduction Construction Completion Program, a
494 district school board shall:

495 (a) Enter into an interlocal agreement pursuant to s.
496 1013.33.

497 (b) Certify that the district's inventory of facilities
498 listed in the Florida Inventory of School Houses is accurate and
499 up to date pursuant to s. 1013.31.

500 (3) USE OF FUNDS.--In order to provide additional capacity
501 to meet class size reduction requirements by the 2010-2011
502 fiscal year pursuant to s. 1003.03, a district school board
503 shall expend the funds received pursuant to this section only to

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504 construct or remodel educational facilities. However, a district
 505 school board may expend such funds for renovations if it
 506 certifies to the Commissioner of Education that the primary
 507 purpose of the renovation is to increase capacity. A district
 508 school board that certifies to the commissioner that all of the
 509 district's instructional space needs for the next 5 years can be
 510 met from capital outlay sources that the district reasonably
 511 expects to receive during the next 5 years may expend the funds
 512 to construct, renovate, remodel, or repair educational
 513 facilities that do not result in additional capacity.

514 Section 10. Subsection (4) of section 1013.738, Florida
 515 Statutes, is amended to read:

516 1013.738 High Growth District Capital Outlay Assistance
 517 Grant Program.--

518 ~~(4) Moneys distributed to the Public Education Capital~~
 519 ~~Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)~~
 520 ~~for the High Growth District Capital Outlay Assistance Grant~~
 521 ~~Program created in this section shall be distributed as provided~~
 522 ~~by this section.~~

523 Section 11. Section 1013.739, Florida Statutes, is created
 524 to read:

525 1013.739 Classroom Capacity Assistance Grant Program.--

526 (1) ALLOCATION.--The department shall allocate funds
 527 appropriated to school districts excluding lab schools for the
 528 Classroom Capacity Assistance Grant Program, which is hereby
 529 established. It is the intent of the Legislature that this
 530 program be administered as nearly as practicable in the same
 531 manner as the capital outlay program authorized under s. 9(a),

532 Art. XII of the State Constitution. Each district school board's
533 share of the annual appropriation for the Classroom Capacity
534 Assistance Grant Program must be calculated according to the
535 following formula:

536 (a) Twenty-five percent of the appropriation shall be
537 prorated to the districts based on each district's percentage of
538 K-12 prior year capital outlay full-time equivalent membership.

539 (b) Seventy percent of the appropriation shall be based on
540 each district's percentage of K-12 growth capital outlay full-
541 time equivalent membership as specified for the allocation of
542 funds from the Public Education Capital Outlay and Debt Service
543 Trust Fund by s. 1013.64(3).

544 (c) Five percent of the appropriation shall be allocated
545 among the districts according to the allocation formula in s.
546 1013.64(1)(a), excluding adult vocational technical facilities.

547 (2) DISTRICT PARTICIPATION.--In order to participate in
548 the Classroom Capacity Assistance Grant Program, a district
549 school board shall:

550 (a) Enter into an interlocal agreement pursuant to s.
551 1013.33.

552 (b) Certify that the district's inventory of facilities
553 listed in the Florida Inventory of School Houses is accurate and
554 up to date pursuant to s. 1013.31.

555 (3) USE OF FUNDS.--In order to provide additional capacity
556 to meet class size reduction requirements by the 2010-2011
557 fiscal year pursuant to s. 1003.03, a district school board
558 shall expend the funds received pursuant to this section only to
559 construct or remodel educational facilities. However, a district

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560 school board may expend such funds for renovations if it
561 certifies to the Commissioner of Education that the primary
562 purpose of the renovation is to increase capacity.

563 Section 12. Except as otherwise expressly provided in this
564 act, this act shall take effect July 1, 2006.