

1 A bill to be entitled
 2 An act relating to public school utilization; amending s.
 3 1013.64, F.S.; requiring the Department of Education to
 4 establish the Increased Utilization Account as part of the
 5 Public Education Capital Outlay and Debt Service Trust
 6 Fund; providing a formula for allocation of funds to a
 7 school district that increases its FTE facility capacity;
 8 providing eligibility requirements and restrictions;
 9 amending s. 1003.03, F.S.; authorizing use of alternative,
 10 nontraditional school calendars for purposes of meeting
 11 constitutional class size maximums; providing an effective
 12 date.

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

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 16 Section 1. Subsection (8) is added to section 1013.64,
 17 Florida Statutes, to read:

18 1013.64 Funds for comprehensive educational plant needs;
 19 construction cost maximums for school district capital
 20 projects.--Allocations from the Public Education Capital Outlay
 21 and Debt Service Trust Fund to the various boards for capital
 22 outlay projects shall be determined as follows:

23 (8) (a) Beginning with the 2007-2008 fiscal year, the
 24 department shall establish as a part of the Public Education
 25 Capital Outlay and Debt Service Trust Fund a separate account to
 26 be known as the Increased Utilization Account in an amount each
 27 year not to exceed 15 percent of the total funds appropriated
 28 under paragraph (3) (a). These funds shall be allocated by the

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29 commissioner to any school district according to the following
30 formula: Any eligible school that increases its FTE facility
31 capacity by at least 20 percent as a result of using an
32 alternative, nontraditional calendar shall receive up to a
33 maximum of \$250 per each FTE generated within the school.

34 (b) To be eligible, a district school board must submit a
35 resolution to the commissioner by August 1 of each fiscal year,
36 beginning August 1, 2007, of its intent to participate in the
37 Increased Utilization Account, listing each of the schools
38 eligible during the prior fiscal year. The information listed
39 for each school must include the maximum FTE capacity for the
40 year as contained in the Florida Inventory of School Houses in
41 the Office of Educational Facilities and the increase
42 attributable to the alternative, nontraditional calendar. To be
43 eligible, each individual school's FTE must exceed the maximum
44 facility capacity during the year by at least 20 percent.

45 (c) Each school district qualifying for funding under this
46 subsection may be paid up to \$250 per each FTE generated per
47 eligible school for a maximum of 5 years if funds are available.
48 If funds are insufficient during any fiscal year, the
49 commissioner shall determine the pro rata amount.

50 (d) Funds received by a school district from the Increased
51 Utilization Account shall be exempt from repayment of any
52 project outstanding pursuant to subsection (2).

53 (e) All funds accruing to a school district under this
54 subsection shall be allocated to the schools generating the
55 increased capacity and shall be expended on needed projects as
56 recommended in a survey under the rules of the state board.

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57 (f) Overcrowding of a school or double session does not
58 apply. In addition, students may not be assigned to
59 instructional spaces contrary to the State Requirements for
60 Educational Facilities.

61 Section 2. Paragraph (j) of subsection (3) of section
62 1003.03, Florida Statutes, is amended to read:

63 1003.03 Maximum class size.--

64 (3) IMPLEMENTATION OPTIONS.--District school boards must
65 consider, but are not limited to, implementing the following
66 items in order to meet the constitutional class size maximums
67 described in subsection (1) and the two-student-per-year
68 reduction required in subsection (2):

69 (j) Use alternative, ~~year-round schools and other~~
70 nontraditional calendars that do not adversely impact annual
71 assessment of student achievement.

72 Section 3. This act shall take effect July 1, 2007.