

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Kendrick offered the following:

2 **Amendment (with title amendment)**

3 Remove everything after the enacting clause and insert:

4 Section 1. Section 1003.621, Florida Statutes, is created  
5 to read:

6 1003.621 Academically high-performing school  
7 districts.--It is the intent of the Legislature to recognize and  
8 reward school districts that demonstrate the ability to  
9 consistently maintain or improve their high-performing status.  
10 The purpose of this section is to provide high-performing school  
11 districts with flexibility in meeting the specific requirements  
12 in statute and rules of the State Board of Education.

13 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

14 (a) A school district is an academically high-performing  
15 school district if it meets the following criteria:

889331

4/20/2007 4:55:47 PM

Amendment No.

16 1.a. Beginning with the 2004-2005 school year, earns a  
17 grade of "A" under s. 1008.34(7) for 2 consecutive years; and

18 b. Has no district-operated school that earns a grade of  
19 "F" under s. 1008.34;

20 2. Complies with all class size requirements in s. 1, Art.  
21 IX of the State Constitution and s. 1003.03; and

22 3. Has no material weaknesses or instances of material  
23 noncompliance noted in the annual financial audit conducted  
24 pursuant to s. 218.39.

25 (b) Each school district that satisfies the eligibility  
26 criteria in this subsection shall be designated by the State  
27 Board of Education as an academically high-performing school  
28 district. With the exception of the statutes listed in  
29 subsection (2), upon designation as an academically high-  
30 performing school district, each such district is exempt from  
31 the provisions in chapters 1000 through 1013 which pertain to  
32 school districts and rules of the State Board of Education which  
33 implement these exempt provisions. This exemption remains in  
34 effect during the time of the designation if the district  
35 continues to meet all eligibility criteria.

36 (c) The academically high-performing school district shall  
37 retain the designation as a high-performing school district for  
38 3 years, at the end of which time the district may renew the  
39 designation if the district meets the requirements in this  
40 section. A school district that fails to meet the requirements  
41 in this section shall provide written notification to the State  
42 Board of Education that the district is no longer eligible to be  
43 designated as an academically high-performing school district.

889331

4/20/2007 4:55:47 PM

Amendment No.

44 (d) In order to maintain the designation as an  
45 academically high-performing school district pursuant to this  
46 section, a school district must meet the following requirements:

47 1. Comply with the provisions of subparagraphs (a) 2. and  
48 3.; and

49 2. Earn a grade of "A" under s. 1008.34(7) for 2 years  
50 within a 3-year period.

51  
52 However, a district in which a district-operated school earns a  
53 grade of "F" under s. 1008.34 during the 3-year period may not  
54 continue to be designated as an academically high-performing  
55 school district during the remainder of that 3-year period. The  
56 district must meet the criteria in paragraph (a) in order to be  
57 redesignated as an academically high-performing school district.

58 (2) COMPLIANCE WITH STATUTES AND RULES.--Each academically  
59 high-performing school district shall comply with all of the  
60 provisions in chapters 1000 through 1013, and rules of the State  
61 Board of Education which implement these provisions, pertaining  
62 to the following:

63 (a) Those statutes pertaining to the provision of services  
64 to students with disabilities.

65 (b) Those statutes pertaining to civil rights, including  
66 s. 1000.05, relating to discrimination.

67 (c) Those statutes pertaining to student health, safety,  
68 and welfare.

69 (d) Those statutes governing the election or compensation  
70 of district school board members.

889331

4/20/2007 4:55:47 PM

Amendment No.

71 (e) Those statutes pertaining to the student assessment  
72 program and the school grading system, including chapter 1008.

73 (f) Those statutes pertaining to financial matters,  
74 including chapter 1010, except that s. 1010.20(3)(a)1., 2., and  
75 3., relating to the required program expenditure levels, are  
76 eligible for exemption.

77 (g) Those statutes pertaining to planning and budgeting,  
78 including chapter 1011, except s. 1011.62(9)(d), relating to the  
79 requirement for a comprehensive reading plan. A district that is  
80 exempt from submitting this plan shall be deemed approved to  
81 receive the research-based reading instruction allocation.

82 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
83 differentiated pay and performance-pay policies for school  
84 administrators and instructional personnel. Professional service  
85 contracts are subject to the provisions of ss. 1012.33 and  
86 1012.34.

87 (i) Those statutes pertaining to educational facilities,  
88 including chapter 1013, except that s. 1013.20, relating to  
89 covered walkways for portables, and s. 1013.21, relating to the  
90 use of relocatable facilities that exceed 20 years of age, are  
91 eligible for exemption.

92 (j) Those statutes relating to instructional materials,  
93 except that s. 1006.37, relating to the requisition of state-  
94 adopted materials from the depository under contract with the  
95 publisher, and s. 1006.40(3)(a), relating to the use of 50  
96 percent of the instructional materials allocation, shall be  
97 eligible for exemption.

98 (k) This section.

889331

4/20/2007 4:55:47 PM

Amendment No.

99           (3) GOVERNING BOARD.--The governing board of the  
100 academically high-performing school district shall be the duly  
101 elected district school board. The district school board shall  
102 supervise the academically high-performing school district.

103           (4) REPORTS.--The academically high-performing school  
104 district shall submit to the State Board of Education and the  
105 Legislature an annual report on December 1 which delineates the  
106 performance of the school district relative to the academic  
107 performance of students at each grade level in reading, writing,  
108 mathematics, science, and any other subject that is included as  
109 a part of the statewide assessment program in s. 1008.22. The  
110 annual report shall be submitted in a format prescribed by the  
111 Department of Education and shall include, but need not be  
112 limited to, the following:

113           (a) Longitudinal performance of students in mathematics,  
114 reading, writing, science, and any other subject that is  
115 included as a part of the statewide assessment program in s.  
116 1008.22;

117           (b) Longitudinal performance of students by grade level  
118 and subgroup in mathematics, reading, writing, science, and any  
119 other subject that is included as a part of the statewide  
120 assessment program in s. 1008.22;

121           (c) Longitudinal performance regarding efforts to close  
122 the achievement gap;

123           (d)1. Number and percentage of students who take an  
124 Advanced Placement Examination; and

125           2. Longitudinal performance regarding students who take an  
126 Advanced Placement Examination by demographic group,

889331

4/20/2007 4:55:47 PM

Amendment No.

127 specifically by age, gender, race, and Hispanic origin, and by  
128 participation in the National School Lunch Program;

129 (e) Evidence of compliance with subsection (1); and

130 (f) A description of each waiver and the status of each  
131 waiver.

132 Section 2. The State Board of Education shall identify any  
133 reporting requirements in state law which duplicate the  
134 requirements for reporting under the federal No Child Left  
135 Behind Act and make recommendations to the Legislature by  
136 December 1, 2007, for eliminating duplicative requirements in  
137 state law.

138 Section 3. Paragraph (a) of subsection (9) of section  
139 200.065, Florida Statutes, is amended to read:

140 200.065 Method of fixing millage.--

141 (9)(a) In addition to the notice required in subsection  
142 (3), a district school board shall publish a second notice of  
143 intent to levy additional taxes under s. 1011.71(2). Such  
144 notice shall specify the projects or number of school buses  
145 anticipated to be funded by such additional taxes and shall be  
146 published in the size, within the time periods, adjacent to, and  
147 in substantial conformity with the advertisement required under  
148 subsection (3). The projects shall be listed in priority within  
149 each category as follows: construction and remodeling;  
150 maintenance, renovation, and repair; motor vehicle purchases;  
151 new and replacement equipment; payments for educational  
152 facilities and sites due under a lease-purchase agreement;  
153 payments for renting and leasing educational facilities and  
154 sites; payments of loans approved pursuant to ss. 1011.14 and  
889331

4/20/2007 4:55:47 PM

Amendment No.

155 1011.15; payment of costs of compliance with environmental  
156 statutes and regulations; payment of premiums for property and  
157 casualty insurance necessary to insure the educational and  
158 ancillary plants of the school district; payment of costs of  
159 leasing relocatable educational facilities; and payments to  
160 private entities to offset the cost of school buses pursuant to  
161 s. 1011.71(2) (i). The additional notice shall be in the  
162 following form, except that if the district school board is  
163 proposing to levy the same millage under s. 1011.71(2) which it  
164 levied in the prior year, the words "continue to" shall be  
165 inserted before the word "impose" in the first sentence, and  
166 except that the second sentence of the second paragraph shall be  
167 deleted if the district is advertising pursuant to paragraph  
168 (3) (e):

169 NOTICE OF TAX FOR SCHOOL

170  
171 CAPITAL OUTLAY

172 The (name of school district) will soon consider a measure  
173 to impose a (number) mill property tax for the capital outlay  
174 projects listed herein.

175 This tax is in addition to the school board's proposed tax  
176 of (number) mills for operating expenses and is proposed solely  
177 at the discretion of the school board. THE PROPOSED COMBINED  
178 SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND  
179 CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

180 The capital outlay tax will generate approximately  
181 \$(amount), to be used for the following projects:

182 (list of capital outlay projects)

889331

4/20/2007 4:55:47 PM

Amendment No.

183

184 All concerned citizens are invited to a public hearing to  
185 be held on (date and time) at (meeting place).

186 A DECISION on the proposed CAPITAL OUTLAY TAXES will be  
187 made at this hearing.

188 Section 4. Section 1011.71, Florida Statutes, is amended  
189 to read:

190 1011.71 District school tax.--

191 (1) If the district school tax is not provided in the  
192 General Appropriations Act or the substantive bill implementing  
193 the General Appropriations Act, each district school board  
194 desiring to participate in the state allocation of funds for  
195 current operation as prescribed by s. 1011.62(10) shall levy on  
196 the taxable value for school purposes of the district, exclusive  
197 of millage voted under the provisions of s. 9(b) or s. 12, Art.  
198 VII of the State Constitution, a millage rate not to exceed the  
199 amount certified by the commissioner as the minimum millage rate  
200 necessary to provide the district required local effort for the  
201 current year, pursuant to s. 1011.62(4)(a)1. In addition to the  
202 required local effort millage levy, each district school board  
203 may levy a nonvoted current operating discretionary millage. The  
204 Legislature shall prescribe annually in the appropriations act  
205 the maximum amount of millage a district may levy.

206 (2) In addition to the maximum millage levy as provided in  
207 subsection (1), each school board may levy not more than 2 mills  
208 against the taxable value for school purposes for district  
209 schools, including charter schools at the discretion of the  
210 school board, to fund:

889331

4/20/2007 4:55:47 PM



Amendment No.

211 (a) New construction and remodeling projects, as set forth  
212 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
213 educational plant survey pursuant to s. 1013.31, without regard  
214 to prioritization, sites and site improvement or expansion to  
215 new sites, existing sites, auxiliary facilities, athletic  
216 facilities, or ancillary facilities.

217 (b) Maintenance, renovation, and repair of existing school  
218 plants or of leased facilities to correct deficiencies pursuant  
219 to s. 1013.15(2).

220 (c) The purchase, lease-purchase, or lease of school  
221 buses; ~~drivers' education vehicles; motor vehicles used for the~~  
222 ~~maintenance or operation of plants and equipment; security~~  
223 ~~vehicles; or vehicles used in storing or distributing materials~~  
224 ~~and equipment.~~

225 (d) The purchase, lease-purchase, or lease of new and  
226 replacement equipment.

227 (e) Payments for educational facilities and sites due  
228 under a lease-purchase agreement entered into by a district  
229 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
230 exceeding, in the aggregate, an amount equal to three-fourths of  
231 the proceeds from the millage levied by a district school board  
232 pursuant to this subsection.

233 (f) Payment of loans approved pursuant to ss. 1011.14 and  
234 1011.15.

235 (g) Payment of costs directly related to complying with  
236 state and federal environmental statutes, rules, and regulations  
237 governing school facilities.

889331

4/20/2007 4:55:47 PM

Amendment No.

238 (h) Payment of costs of leasing relocatable educational  
239 facilities, of renting or leasing educational facilities and  
240 sites pursuant to s. 1013.15(2), or of renting or leasing  
241 buildings or space within existing buildings pursuant to s.  
242 1013.15(4).

243 (i) Payment of the cost of school buses when a school  
244 district contracts with a private entity to provide student  
245 transportation services if the district meets the requirements  
246 of this paragraph.

247 1. The district's contract must require that the private  
248 entity purchase, lease-purchase, or lease, and operate and  
249 maintain, one or more school buses of a specific type and size  
250 that meet the requirements of s. 1006.25.

251 2. Each such school bus must be used for the daily  
252 transportation of public school students in the manner required  
253 by the school district.

254 3. Annual payment for each such school bus may not exceed  
255 10 percent of the purchase price of the state pool bid.

256 4. The proposed expenditure of the funds for this purpose  
257 must have been included in the district school board's notice of  
258 proposed tax for school capital outlay as provided in s.  
259 200.065(9).

260 (j) Payment of the cost of the opening day collection for  
261 the library media center of a new school.

262 (3) A school district that has met the reduction  
263 requirements regarding class size for the current year pursuant  
264 to s. 1003.03, has received an unqualified opinion on its  
265 financial statements for the preceding 3 years, has no material

889331

4/20/2007 4:55:47 PM

Amendment No.

266 weaknesses or instances of material noncompliance noted in an  
267 audit for the preceding 3 years, and certifies to the  
268 Commissioner of Education that all of the district's  
269 instructional space needs for the next 5 years can be met from  
270 capital outlay sources that the district reasonably expects to  
271 receive during the next 5 years from local revenues and from  
272 currently appropriated state facilities funding or from  
273 alternative scheduling or construction, leasing, rezoning, or  
274 technological methodologies that exhibit sound management may  
275 expend revenue generated by the millage levy authorized by  
276 subsection (2) to fund, in addition to expenditures authorized  
277 in paragraphs (2) (a)-(j), the following:

278 (a) The purchase, lease-purchase, or lease of driver's  
279 education vehicles; motor vehicles used for the maintenance or  
280 operation of plants and equipment; security vehicles; or  
281 vehicles used in storing or distributing materials and  
282 equipment.

283 (b) Payment of the cost of premiums for property and  
284 casualty insurance necessary to insure school district  
285 educational and ancillary plants. Operating revenues that are  
286 made available through the payment of property and casualty  
287 insurance premiums from revenues generated under this subsection  
288 may be expended only for nonrecurring operational expenditures  
289 of the school district.

290 (4) Violations of ~~the~~ these expenditure provisions in  
291 subsection (2) or subsection (3) shall result in an equal dollar  
292 reduction in the Florida Education Finance Program (FEFP) funds

889331

4/20/2007 4:55:47 PM

Amendment No.

293 for the violating district in the fiscal year following the  
294 audit citation.

295 ~~(5)(3)~~ These taxes shall be certified, assessed, and  
296 collected as prescribed in s. 1011.04 and shall be expended as  
297 provided by law.

298 ~~(6)(4)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be  
299 construed to increase the maximum school millage levies as  
300 provided for in subsection (1).

301 ~~(5)(a)~~ It is the intent of the Legislature that, by July  
302 1, 2003, revenue generated by the millage levy authorized by  
303 subsection (2) should be used only for the costs of  
304 construction, renovation, remodeling, maintenance, and repair of  
305 the educational plant; for the purchase, lease, or lease-  
306 purchase of equipment, educational plants, and construction  
307 materials directly related to the delivery of student  
308 instruction; for the rental or lease of existing buildings, or  
309 space within existing buildings, originally constructed or used  
310 for purposes other than education, for conversion to use as  
311 educational facilities; for the opening day collection for the  
312 library media center of a new school; for the purchase, lease-  
313 purchase, or lease of school buses or the payment to a private  
314 entity to offset the cost of school buses pursuant to paragraph  
315 (2)(i); and for servicing of payments related to certificates of  
316 participation issued for any purpose prior to the effective date  
317 of this act. Costs associated with the lease purchase of  
318 equipment, educational plants, and school buses may include the  
319 issuance of certificates of participation on or after the  
320 effective date of this act and the servicing of payments related

889331

4/20/2007 4:55:47 PM

Amendment No.

321 ~~to certificates so issued. For purposes of this section,~~  
322 ~~"maintenance and repair" is defined in s. 1013.01.~~

323 ~~(b) For purposes not delineated in paragraph (a) for which~~  
324 ~~proceeds received from millage levied under subsection (2) may~~  
325 ~~be legally expended, a district school board may spend no more~~  
326 ~~than the following percentages of the amount the district spent~~  
327 ~~for these purposes in fiscal year 1995-1996:~~

- 328 ~~1. In fiscal year 2000-2001, 40 percent.~~  
329 ~~2. In fiscal year 2001-2002, 25 percent.~~  
330 ~~3. In fiscal year 2002-2003, 10 percent.~~

331 ~~(c) Beginning July 1, 2003, revenue generated by the~~  
332 ~~millage levy authorized by subsection (2) must be used only for~~  
333 ~~the purposes delineated in paragraph (a).~~

334 ~~(d) Notwithstanding any other provision of this~~  
335 ~~subsection, if through its adopted educational facilities plan a~~  
336 ~~district has clearly identified the need for an ancillary plant,~~  
337 ~~has provided opportunity for public input as to the relative~~  
338 ~~value of the ancillary plant versus an educational plant, and~~  
339 ~~has obtained public approval, the district may use revenue~~  
340 ~~generated by the millage levy authorized by subsection (2) for~~  
341 ~~the acquisition, construction, renovation, remodeling,~~  
342 ~~maintenance, or repair of an ancillary plant.~~

343  
344 ~~A district that violates these expenditure restrictions shall~~  
345 ~~have an equal dollar reduction in funds appropriated to the~~  
346 ~~district under s. 1011.62 in the fiscal year following the audit~~  
347 ~~citation. The expenditure restrictions do not apply to any~~  
348 ~~school district that certifies to the Commissioner of Education~~

889331

4/20/2007 4:55:47 PM

Amendment No.

349 ~~that all of the district's instructional space needs for the~~  
350 ~~next 5 years can be met from capital outlay sources that the~~  
351 ~~district reasonably expects to receive during the next 5 years~~  
352 ~~or from alternative scheduling or construction, leasing,~~  
353 ~~rezoning, or technological methodologies that exhibit sound~~  
354 ~~management.~~

355       (7)(6) In addition to the maximum millage levied under  
356 this section and the General Appropriations Act, a school  
357 district may levy, by local referendum or in a general election,  
358 additional millage for school operational purposes up to an  
359 amount that, when combined with nonvoted millage levied under  
360 this section, does not exceed the 10-mill limit established in  
361 s. 9(b), Art. VII of the State Constitution. Any such levy shall  
362 be for a maximum of 4 years and shall be counted as part of the  
363 10-mill limit established in s. 9(b), Art. VII of the State  
364 Constitution. Millage elections conducted under the authority  
365 granted pursuant to this section are subject to s. 1011.73.  
366 Funds generated by such additional millage do not become a part  
367 of the calculation of the Florida Education Finance Program  
368 total potential funds in 2001-2002 or any subsequent year and  
369 must not be incorporated in the calculation of any hold-harmless  
370 or other component of the Florida Education Finance Program  
371 formula in any year. If an increase in required local effort,  
372 when added to existing millage levied under the 10-mill limit,  
373 would result in a combined millage in excess of the 10-mill  
374 limit, any millage levied pursuant to this subsection shall be  
375 considered to be required local effort to the extent that the  
376 district millage would otherwise exceed the 10-mill limit.

889331

4/20/2007 4:55:47 PM

Amendment No.

377 Section 5. Subsection (2) of section 1011.73, Florida  
378 Statutes, is amended to read:

379 1011.73 District millage elections.--

380 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The  
381 district school board, pursuant to resolution adopted at a  
382 regular meeting, shall direct the county commissioners to call  
383 an election at which the electors within the school district may  
384 approve an ad valorem tax millage as authorized under s.  
385 1011.71(7)~~(6)~~. Such election may be held at any time, except  
386 that not more than one such election shall be held during any  
387 12-month period. Any millage so authorized shall be levied for a  
388 period not in excess of 4 years or until changed by another  
389 millage election, whichever is earlier. If any such election is  
390 invalidated by a court of competent jurisdiction, such  
391 invalidated election shall be considered not to have been held.

392 Section 6. This act shall take effect upon becoming a law.

393

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

395 Remove the entire title and insert:

396 A bill to be entitled

397 An act relating to school districts; creating s. 1003.621,  
398 F.S.; providing criteria for designating academically  
399 high-performing school districts; providing exceptions for  
400 such districts to be exempt from certain statutes and  
401 rules; providing compliance requirements; providing for  
402 district governing boards; providing for reports;  
403 providing for a review by the State Board of Education of  
404 certain reporting requirements; amending s. 200.065, F.S.;

889331

4/20/2007 4:55:47 PM

Amendment No.

405 providing for notice concerning property and casualty  
406 insurance costs; amending s. 1011.71, F.S., relating to  
407 the district school tax; providing criteria for using  
408 funds; authorizing the use of funds for specified  
409 purposes; eliminating restrictions on the use of funds;  
410 amending s. 1011.73, F.S.; conforming a cross-reference;  
411 providing an effective date.