

1 A bill to be entitled
 2 An act relating to school districts; creating s. 1003.621,
 3 F.S.; providing criteria for designating academically
 4 high-performing school districts; providing exceptions for
 5 such districts to be exempt from certain statutes and
 6 rules; providing compliance requirements; providing for
 7 district governing boards; providing for reports;
 8 providing for a review by the State Board of Education of
 9 certain reporting requirements; amending s. 200.065, F.S.;
 10 providing for notice concerning property and casualty
 11 insurance costs; amending s. 1011.71, F.S., relating to
 12 the district school tax; providing criteria for using
 13 funds; authorizing the use of funds for specified
 14 purposes; eliminating restrictions on the use of funds;
 15 amending s. 1011.73, F.S.; conforming a cross-reference;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:
 19

20 Section 1. Section 1003.621, Florida Statutes, is created
 21 to read:

22 1003.621 Academically high-performing school
 23 districts.--It is the intent of the Legislature to recognize and
 24 reward school districts that demonstrate the ability to
 25 consistently maintain or improve their high-performing status.
 26 The purpose of this section is to provide high-performing school
 27 districts with flexibility in meeting the specific requirements
 28 in statute and rules of the State Board of Education.

29 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--
 30 (a) A school district is an academically high-performing
 31 school district if it meets the following criteria:
 32 1.a. Beginning with the 2004-2005 school year, earns a
 33 grade of "A" under s. 1008.34(7) for 2 consecutive years; and
 34 b. Has no district-operated school that earns a grade of
 35 "F" under s. 1008.34;
 36 2. Complies with all class size requirements in s. 1, Art.
 37 IX of the State Constitution and s. 1003.03; and
 38 3. Has no material weaknesses or instances of material
 39 noncompliance noted in the annual financial audit conducted
 40 pursuant to s. 218.39.
 41 (b) Each school district that satisfies the eligibility
 42 criteria in this subsection shall be designated by the State
 43 Board of Education as an academically high-performing school
 44 district. With the exception of the statutes listed in
 45 subsection (2), upon designation as an academically high-
 46 performing school district, each such district is exempt from
 47 the provisions in chapters 1000 through 1013 which pertain to
 48 school districts and rules of the State Board of Education which
 49 implement these exempt provisions. This exemption remains in
 50 effect during the time of the designation if the district
 51 continues to meet all eligibility criteria.
 52 (c) The academically high-performing school district shall
 53 retain the designation as a high-performing school district for
 54 3 years, at the end of which time the district may renew the
 55 designation if the district meets the requirements in this
 56 section. A school district that fails to meet the requirements

57 in this section shall provide written notification to the State
58 Board of Education that the district is no longer eligible to be
59 designated as an academically high-performing school district.

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

63 1. Comply with the provisions of subparagraphs (a) 2. and
64 3.; and

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

67
68 However, a district in which a district-operated school earns a
69 grade of "F" under s. 1008.34 during the 3-year period may not
70 continue to be designated as an academically high-performing
71 school district during the remainder of that 3-year period. The
72 district must meet the criteria in paragraph (a) in order to be
73 redesignated as an academically high-performing school district.

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

79 (a) Those statutes pertaining to the provision of services
80 to students with disabilities.

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

83 (c) Those statutes pertaining to student health, safety,
84 and welfare.

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

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

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

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

98 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
99 differentiated pay and performance-pay policies for school
100 administrators and instructional personnel. Professional service
101 contracts are subject to the provisions of ss. 1012.33 and
102 1012.34.

103 (i) Those statutes pertaining to educational facilities,
104 including chapter 1013, except that s. 1013.20, relating to
105 covered walkways for portables, and s. 1013.21, relating to the
106 use of relocatable facilities that exceed 20 years of age, are
107 eligible for exemption.

108 (j) Those statutes relating to instructional materials,
109 except that s. 1006.37, relating to the requisition of state-
110 adopted materials from the depository under contract with the
111 publisher, and s. 1006.40(3)(a), relating to the use of 50
112 percent of the instructional materials allocation, shall be

113 eligible for exemption.

114 (k) This section.

115 (3) GOVERNING BOARD.--The governing board of the
116 academically high-performing school district shall be the duly
117 elected district school board. The district school board shall
118 supervise the academically high-performing school district.

119 (4) REPORTS.--The academically high-performing school
120 district shall submit to the State Board of Education and the
121 Legislature an annual report on December 1 which delineates the
122 performance of the school district relative to the academic
123 performance of students at each grade level in reading, writing,
124 mathematics, science, and any other subject that is included as
125 a part of the statewide assessment program in s. 1008.22. The
126 annual report shall be submitted in a format prescribed by the
127 Department of Education and shall include, but need not be
128 limited to, the following:

129 (a) Longitudinal performance of students in mathematics,
130 reading, writing, science, and any other subject that is
131 included as a part of the statewide assessment program in s.
132 1008.22;

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

137 (c) Longitudinal performance regarding efforts to close
138 the achievement gap;

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

141 2. Longitudinal performance regarding students who take an
 142 Advanced Placement Examination by demographic group,
 143 specifically by age, gender, race, and Hispanic origin, and by
 144 participation in the National School Lunch Program;

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

146 (f) A description of each waiver and the status of each
 147 waiver.

148 Section 2. The State Board of Education shall identify any
 149 reporting requirements in state law which duplicate the
 150 requirements for reporting under the federal No Child Left
 151 Behind Act and make recommendations to the Legislature by
 152 December 1, 2007, for eliminating duplicative requirements in
 153 state law.

154 Section 3. Paragraph (a) of subsection (9) of section
 155 200.065, Florida Statutes, is amended to read:

156 200.065 Method of fixing millage.--

157 (9) (a) In addition to the notice required in subsection
 158 (3), a district school board shall publish a second notice of
 159 intent to levy additional taxes under s. 1011.71(2). Such
 160 notice shall specify the projects or number of school buses
 161 anticipated to be funded by such additional taxes and shall be
 162 published in the size, within the time periods, adjacent to, and
 163 in substantial conformity with the advertisement required under
 164 subsection (3). The projects shall be listed in priority within
 165 each category as follows: construction and remodeling;
 166 maintenance, renovation, and repair; motor vehicle purchases;
 167 new and replacement equipment; payments for educational
 168 facilities and sites due under a lease-purchase agreement;

169 payments for renting and leasing educational facilities and
 170 sites; payments of loans approved pursuant to ss. 1011.14 and
 171 1011.15; payment of costs of compliance with environmental
 172 statutes and regulations; payment of premiums for property and
 173 casualty insurance necessary to insure the educational and
 174 ancillary plants of the school district; payment of costs of
 175 leasing relocatable educational facilities; and payments to
 176 private entities to offset the cost of school buses pursuant to
 177 s. 1011.71(2)(i). The additional notice shall be in the
 178 following form, except that if the district school board is
 179 proposing to levy the same millage under s. 1011.71(2) which it
 180 levied in the prior year, the words "continue to" shall be
 181 inserted before the word "impose" in the first sentence, and
 182 except that the second sentence of the second paragraph shall be
 183 deleted if the district is advertising pursuant to paragraph
 184 (3)(e):

185 NOTICE OF TAX FOR SCHOOL

186
 187 CAPITAL OUTLAY

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

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

196 The capital outlay tax will generate approximately

197 \$(amount), to be used for the following projects:

198 (list of capital outlay projects)

199

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

202 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
203 made at this hearing.

204 Section 4. Section 1011.71, Florida Statutes, is amended
205 to read:

206 1011.71 District school tax.--

207 (1) If the district school tax is not provided in the
208 General Appropriations Act or the substantive bill implementing
209 the General Appropriations Act, each district school board
210 desiring to participate in the state allocation of funds for
211 current operation as prescribed by s. 1011.62(10) shall levy on
212 the taxable value for school purposes of the district, exclusive
213 of millage voted under the provisions of s. 9(b) or s. 12, Art.
214 VII of the State Constitution, a millage rate not to exceed the
215 amount certified by the commissioner as the minimum millage rate
216 necessary to provide the district required local effort for the
217 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
218 required local effort millage levy, each district school board
219 may levy a nonvoted current operating discretionary millage. The
220 Legislature shall prescribe annually in the appropriations act
221 the maximum amount of millage a district may levy.

222 (2) In addition to the maximum millage levy as provided in
223 subsection (1), each school board may levy not more than 2 mills
224 against the taxable value for school purposes for district

225 schools, including charter schools at the discretion of the
 226 school board, to fund:

227 (a) New construction and remodeling projects, as set forth
 228 in s. 1013.64(3)(b) and (6)(b) and included in the district's
 229 educational plant survey pursuant to s. 1013.31, without regard
 230 to prioritization, sites and site improvement or expansion to
 231 new sites, existing sites, auxiliary facilities, athletic
 232 facilities, or ancillary facilities.

233 (b) Maintenance, renovation, and repair of existing school
 234 plants or of leased facilities to correct deficiencies pursuant
 235 to s. 1013.15(2).

236 (c) The purchase, lease-purchase, or lease of school
 237 ~~buses; drivers' education vehicles; motor vehicles used for the~~
 238 ~~maintenance or operation of plants and equipment; security~~
 239 ~~vehicles; or vehicles used in storing or distributing materials~~
 240 ~~and equipment.~~

241 (d) The purchase, lease-purchase, or lease of new and
 242 replacement equipment.

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

249 (f) Payment of loans approved pursuant to ss. 1011.14 and
 250 1011.15.

251 (g) Payment of costs directly related to complying with
 252 state and federal environmental statutes, rules, and regulations

253 governing school facilities.

254 (h) Payment of costs of leasing relocatable educational
 255 facilities, of renting or leasing educational facilities and
 256 sites pursuant to s. 1013.15(2), or of renting or leasing
 257 buildings or space within existing buildings pursuant to s.
 258 1013.15(4).

259 (i) Payment of the cost of school buses when a school
 260 district contracts with a private entity to provide student
 261 transportation services if the district meets the requirements
 262 of this paragraph.

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

267 2. Each such school bus must be used for the daily
 268 transportation of public school students in the manner required
 269 by the school district.

270 3. Annual payment for each such school bus may not exceed
 271 10 percent of the purchase price of the state pool bid.

272 4. The proposed expenditure of the funds for this purpose
 273 must have been included in the district school board's notice of
 274 proposed tax for school capital outlay as provided in s.
 275 200.065(9).

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

278 (3) A school district that has met the reduction
 279 requirements regarding class size for the current year pursuant
 280 to s. 1003.03, has received an unqualified opinion on its

281 financial statements for the preceding 3 years, has no material
282 weaknesses or instances of material noncompliance noted in an
283 audit for the preceding 3 years, and certifies to the
284 Commissioner of Education that all of the district's
285 instructional space needs for the next 5 years can be met from
286 capital outlay sources that the district reasonably expects to
287 receive during the next 5 years from local revenues and from
288 currently appropriated state facilities funding or from
289 alternative scheduling or construction, leasing, rezoning, or
290 technological methodologies that exhibit sound management may
291 expend revenue generated by the millage levy authorized by
292 subsection (2) to fund, in addition to expenditures authorized
293 in paragraphs (2)(a)-(j), the following:

294 (a) The purchase, lease-purchase, or lease of driver's
295 education vehicles; motor vehicles used for the maintenance or
296 operation of plants and equipment; security vehicles; or
297 vehicles used in storing or distributing materials and
298 equipment.

299 (b) Payment of the cost of premiums for property and
300 casualty insurance necessary to insure school district
301 educational and ancillary plants. Operating revenues that are
302 made available through the payment of property and casualty
303 insurance premiums from revenues generated under this subsection
304 may be expended only for nonrecurring operational expenditures
305 of the school district.

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

309 for the violating district in the fiscal year following the
310 audit citation.

311 (5)~~(3)~~ These taxes shall be certified, assessed, and
312 collected as prescribed in s. 1011.04 and shall be expended as
313 provided by law.

314 (6)~~(4)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
315 construed to increase the maximum school millage levies as
316 provided for in subsection (1).

317 ~~(5)(a) It is the intent of the Legislature that, by July~~
318 ~~1, 2003, revenue generated by the millage levy authorized by~~
319 ~~subsection (2) should be used only for the costs of~~
320 ~~construction, renovation, remodeling, maintenance, and repair of~~
321 ~~the educational plant; for the purchase, lease, or lease-~~
322 ~~purchase of equipment, educational plants, and construction~~
323 ~~materials directly related to the delivery of student~~
324 ~~instruction; for the rental or lease of existing buildings, or~~
325 ~~space within existing buildings, originally constructed or used~~
326 ~~for purposes other than education, for conversion to use as~~
327 ~~educational facilities; for the opening day collection for the~~
328 ~~library media center of a new school; for the purchase, lease-~~
329 ~~purchase, or lease of school buses or the payment to a private~~
330 ~~entity to offset the cost of school buses pursuant to paragraph~~
331 ~~(2)(i); and for servicing of payments related to certificates of~~
332 ~~participation issued for any purpose prior to the effective date~~
333 ~~of this act. Costs associated with the lease purchase of~~
334 ~~equipment, educational plants, and school buses may include the~~
335 ~~issuance of certificates of participation on or after the~~
336 ~~effective date of this act and the servicing of payments related~~

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

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

- 344 ~~1. In fiscal year 2000-2001, 40 percent.~~
345 ~~2. In fiscal year 2001-2002, 25 percent.~~
346 ~~3. In fiscal year 2002-2003, 10 percent.~~

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

350 ~~(d) Notwithstanding any other provision of this~~
351 ~~subsection, if through its adopted educational facilities plan a~~
352 ~~district has clearly identified the need for an ancillary plant,~~
353 ~~has provided opportunity for public input as to the relative~~
354 ~~value of the ancillary plant versus an educational plant, and~~
355 ~~has obtained public approval, the district may use revenue~~
356 ~~generated by the millage levy authorized by subsection (2) for~~
357 ~~the acquisition, construction, renovation, remodeling,~~
358 ~~maintenance, or repair of an ancillary plant.~~

359
360 ~~A district that violates these expenditure restrictions shall~~
361 ~~have an equal dollar reduction in funds appropriated to the~~
362 ~~district under s. 1011.62 in the fiscal year following the audit~~
363 ~~citation. The expenditure restrictions do not apply to any~~
364 ~~school district that certifies to the Commissioner of Education~~

365 ~~that all of the district's instructional space needs for the~~
366 ~~next 5 years can be met from capital outlay sources that the~~
367 ~~district reasonably expects to receive during the next 5 years~~
368 ~~or from alternative scheduling or construction, leasing,~~
369 ~~rezoning, or technological methodologies that exhibit sound~~
370 ~~management.~~

371 (7)~~(6)~~ In addition to the maximum millage levied under
372 this section and the General Appropriations Act, a school
373 district may levy, by local referendum or in a general election,
374 additional millage for school operational purposes up to an
375 amount that, when combined with nonvoted millage levied under
376 this section, does not exceed the 10-mill limit established in
377 s. 9(b), Art. VII of the State Constitution. Any such levy shall
378 be for a maximum of 4 years and shall be counted as part of the
379 10-mill limit established in s. 9(b), Art. VII of the State
380 Constitution. Millage elections conducted under the authority
381 granted pursuant to this section are subject to s. 1011.73.
382 Funds generated by such additional millage do not become a part
383 of the calculation of the Florida Education Finance Program
384 total potential funds in 2001-2002 or any subsequent year and
385 must not be incorporated in the calculation of any hold-harmless
386 or other component of the Florida Education Finance Program
387 formula in any year. If an increase in required local effort,
388 when added to existing millage levied under the 10-mill limit,
389 would result in a combined millage in excess of the 10-mill
390 limit, any millage levied pursuant to this subsection shall be
391 considered to be required local effort to the extent that the
392 district millage would otherwise exceed the 10-mill limit.

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

395 1011.73 District millage elections.--

396 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
397 district school board, pursuant to resolution adopted at a
398 regular meeting, shall direct the county commissioners to call
399 an election at which the electors within the school district may
400 approve an ad valorem tax millage as authorized under s.
401 1011.71 (7) ~~(6)~~. Such election may be held at any time, except
402 that not more than one such election shall be held during any
403 12-month period. Any millage so authorized shall be levied for a
404 period not in excess of 4 years or until changed by another
405 millage election, whichever is earlier. If any such election is
406 invalidated by a court of competent jurisdiction, such
407 invalidated election shall be considered not to have been held.

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