

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 (11) ~~(10)~~ shall levy  
212 on the taxable value for school purposes of the district,  
213 exclusive of millage voted under the provisions of s. 9(b) or s.  
214 12, Art. VII of the State Constitution, a millage rate not to  
215 exceed the amount certified by the commissioner as the minimum  
216 millage rate necessary to provide the district required local  
217 effort for the current year, pursuant to s. 1011.62(4)(a)1. In  
218 addition to the required local effort millage levy, each  
219 district school board may levy a nonvoted current operating  
220 discretionary millage. The Legislature shall prescribe annually  
221 in the appropriations act the maximum amount of millage a  
222 district may levy.

223 (2) In addition to the maximum millage levy as provided in  
224 subsection (1), each school board may levy not more than 2 mills



225 against the taxable value for school purposes for district  
226 schools, including charter schools at the discretion of the  
227 school board, to fund:

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

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

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

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

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

250 (f) Payment of loans approved pursuant to ss. 1011.14 and  
251 1011.15.

252 (g) Payment of costs directly related to complying with

253 state and federal environmental statutes, rules, and regulations  
 254 governing school facilities.

255 (h) Payment of costs of leasing relocatable educational  
 256 facilities, of renting or leasing educational facilities and  
 257 sites pursuant to s. 1013.15(2), or of renting or leasing  
 258 buildings or space within existing buildings pursuant to s.  
 259 1013.15(4).

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

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

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

271 3. Annual payment for each such school bus may not exceed  
 272 10 percent of the purchase price of the state pool bid.

273 4. The proposed expenditure of the funds for this purpose  
 274 must have been included in the district school board's notice of  
 275 proposed tax for school capital outlay as provided in s.  
 276 200.065(9).

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

279 (3) A school district that has met the reduction  
 280 requirements regarding class size for the current year pursuant

281 to s. 1003.03, has received an unqualified opinion on its  
282 financial statements for the preceding 3 years, has no material  
283 weaknesses or instances of material noncompliance noted in an  
284 audit for the preceding 3 years, and certifies to the  
285 Commissioner of Education that all of the district's  
286 instructional space needs for the next 5 years can be met from  
287 capital outlay sources that the district reasonably expects to  
288 receive during the next 5 years from local revenues and from  
289 currently appropriated state facilities funding or from  
290 alternative scheduling or construction, leasing, rezoning, or  
291 technological methodologies that exhibit sound management may  
292 expend revenue generated by the millage levy authorized by  
293 subsection (2) to fund, in addition to expenditures authorized  
294 in paragraphs (2) (a)-(j), the following:

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

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

307 (4) Violations of the ~~these~~ expenditure provisions in  
308 subsection (2) or subsection (3) shall result in an equal dollar

309 reduction in the Florida Education Finance Program (FEFP) funds  
310 for the violating district in the fiscal year following the  
311 audit citation.

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

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

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

337 ~~effective date of this act and the servicing of payments related~~  
338 ~~to certificates so issued. For purposes of this section,~~  
339 ~~"maintenance and repair" is defined in s. 1013.01.~~

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

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

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

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

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

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

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

393 district millage would otherwise exceed the 10-mill limit.

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

396 1011.73 District millage elections.--

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

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