

By the Committees on Education Pre-K - 12 Appropriations;
Education Pre-K - 12; and Senators Bennett and Gaetz

602-2481-07

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

19
20 Be It Enacted by the Legislature of the State of Florida:

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

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

1 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--
2 (a) A school district is an academically
3 high-performing school district if it meets the following
4 criteria:
5 1.a. Beginning with the 2004-2005 school year, earns a
6 grade of "A," under s. 1008.34(7) for 2 consecutive years; and
7 b. Has no district-operated school that earns a grade
8 of "F" under s. 1008.34;
9 2. Complies with all class size requirements in s. 1,
10 Art. IX, of the State Constitution and s. 1003.03; and
11 3. Has no material weaknesses or instances of material
12 noncompliance noted in the annual financial audit conducted
13 pursuant to s. 218.39.
14 (b) Each school district that satisfies the
15 eligibility criteria in this subsection shall be designated by
16 the State Board of Education as an academically
17 high-performing school district. With the exception of the
18 statutes listed in subsection (2), upon designation as an
19 academically high-performing school district, each such
20 district is exempt from the provisions in chapters 1000
21 through 1013 which pertain to school districts and rules of
22 the State Board of Education which implement these exempt
23 provisions. This exemption remains in effect during the time
24 of the designation if the district continues to meet all
25 eligibility criteria.
26 (c) The academically high-performing school district
27 shall retain the designation as a high-performing school
28 district for 3 years, at the end of which time the district
29 may renew the designation if the district meets the
30 requirements in this section. A school district that fails to
31 meet the requirements in this section shall provide written

1 notification to the State Board of Education that the district
2 is no longer eligible to be designated as an academically
3 high-performing school district.

4 (d) In order to maintain the designation as an
5 academically high-performing school district pursuant to this
6 section, a school district must meet the following
7 requirements:

8 1. Comply with the provisions of subparagraphs(a)2.
9 and 3.; and

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

12
13 However, a district in which a district-operated school earns
14 a grade of "F" under s. 1008.34 during the 3-year period may
15 not continue to be designated as an academically
16 high-performing school district during the remainder of that
17 3-year period. The district must meet the criteria in
18 paragraph (a) in order to be redesignated as an academically
19 high-performing school district.

20 (2) COMPLIANCE WITH STATUTES AND RULES.--Each
21 academically high-performing school district shall comply with
22 all of the provisions in chapters 1000 through 1013 and rules
23 of the State Board of Education which implement these
24 provisions pertaining to the following:

25 (a) Those statutes pertaining to the provision of
26 services to students with disabilities.

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

29 (c) Those statutes pertaining to student health,
30 safety, and welfare.

31

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

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

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

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

16 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
17 differentiated pay and performance-pay policies for school
18 administrators and instructional personnel. Professional
19 service contracts are subject to the provisions of ss. 1012.33
20 and 1012.34.

21 (i) Those statutes pertaining to educational
22 facilities, including chapter 1013, except that s. 1013.20,
23 relating to covered walkways for portables, and s. 1013.21,
24 relating to the use of relocatable facilities that exceed 20
25 years of age, are eligible for exemption.

26 (j) Those statutes relating to instructional
27 materials, except that s. 1006.37, relating to the requisition
28 of state-adopted materials from the depository under contract
29 with the publisher, and s. 1006.40(3)(a), relating to the use
30 of 50 percent of the instructional materials allocation, shall
31 be eligible for exemption.

1 (k) Section 1003.621, relating to academically
2 high-performing school districts.

3 (3) GOVERNING BOARD.--The governing board of the
4 academically high-performing school district shall be the duly
5 elected district school board. The district school board shall
6 supervise the academically high-performing school district.

7 (4) REPORTS.--The academically high-performing school
8 district shall submit to the State Board of Education and the
9 Legislature an annual report on December 1 which delineates
10 the performance of the school district relative to the
11 academic performance of students at each grade level in
12 reading, writing, mathematics, science, and any other subject
13 that is included as a part of the statewide assessment program
14 in s. 1008.22. The annual report shall be submitted in a
15 format prescribed by the Department of Education and shall
16 include, but need not be limited to, the following:

17 (a) Longitudinal performance of students in
18 mathematics, reading, writing, science, and any other subject
19 that is included as a part of the statewide assessment program
20 in s. 1008.22;

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

25 (c) Longitudinal performance regarding efforts to
26 close the achievement gap;

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

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

31

1 specifically by age, gender, race, and Hispanic origin, and by
2 participation in the National School Lunch Program.

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

4 (f) A description of each waiver and the status of
5 each waiver.

6 Section 2. The State Board of Education shall identify
7 any reporting requirements in state law which duplicate the
8 requirements for reporting under the federal No Child Left
9 Behind Act and make recommendations to the Legislature by
10 December 1, 2007, for eliminating duplicative requirements in
11 state law.

12 Section 3. Paragraph (a) of subsection (9) of section
13 200.065, Florida Statutes, is amended to read:

14 200.065 Method of fixing millage.--

15 (9)(a) In addition to the notice required in
16 subsection (3), a district school board shall publish a second
17 notice of intent to levy additional taxes under s. 1011.71(2).
18 Such notice shall specify the projects or number of school
19 buses anticipated to be funded by such additional taxes and
20 shall be published in the size, within the time periods,
21 adjacent to, and in substantial conformity with the
22 advertisement required under subsection (3). The projects
23 shall be listed in priority within each category as follows:
24 construction and remodeling; maintenance, renovation, and
25 repair; motor vehicle purchases; new and replacement
26 equipment; payments for educational facilities and sites due
27 under a lease-purchase agreement; payments for renting and
28 leasing educational facilities and sites; payments of loans
29 approved pursuant to ss. 1011.14 and 1011.15; payment of costs
30 of compliance with environmental statutes and regulations;
31 payment of premiums for property and casualty insurance

1 necessary to insure the educational and ancillary plants of
2 the school district; payment of costs of leasing relocatable
3 educational facilities; and payments to private entities to
4 offset the cost of school buses pursuant to s. 1011.71(2)(i).
5 The additional notice shall be in the following form, except
6 that if the district school board is proposing to levy the
7 same millage under s. 1011.71(2) which it levied in the prior
8 year, the words "continue to" shall be inserted before the
9 word "impose" in the first sentence, and except that the
10 second sentence of the second paragraph shall be deleted if
11 the district is advertising pursuant to paragraph (3)(e):

12
13 NOTICE OF TAX FOR SCHOOL

14 CAPITAL OUTLAY

15
16 The ...(name of school district)... will soon consider
17 a measure to impose a ...(number)... mill property tax for the
18 capital outlay projects listed herein.

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

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

26
27 ...(list of capital outlay projects)...

28
29 All concerned citizens are invited to a public hearing
30 to be held on ...(date and time)... at ...(meeting place)....
31

1 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
2 made at this hearing.

3
4 Section 4. Section 1011.71, Florida Statutes, is
5 amended to read:

6 1011.71 District school tax.--

7 (1) If the district school tax is not provided in the
8 General Appropriations Act or the substantive bill
9 implementing the General Appropriations Act, each district
10 school board desiring to participate in the state allocation
11 of funds for current operation as prescribed by s. 1011.62(11)
12 ~~s. 1011.62(10)~~ shall levy on the taxable value for school
13 purposes of the district, exclusive of millage voted under the
14 provisions of s. 9(b) or s. 12, Art. VII of the State
15 Constitution, a millage rate not to exceed the amount
16 certified by the commissioner as the minimum millage rate
17 necessary to provide the district required local effort for
18 the current year, pursuant to s. 1011.62(4)(a)1. In addition
19 to the required local effort millage levy, each district
20 school board may levy a nonvoted current operating
21 discretionary millage. The Legislature shall prescribe
22 annually in the appropriations act the maximum amount of
23 millage a district may levy.

24 (2) In addition to the maximum millage levy as
25 provided in subsection (1), each school board may levy not
26 more than 2 mills against the taxable value for school
27 purposes for district schools, including charter schools at
28 the discretion of the school board, to fund:

29 (a) New construction and remodeling projects, as set
30 forth in s. 1013.64(3)(b) and (6)(b) and included in the
31 district's educational plant survey pursuant to s. 1013.31,

1 without regard to prioritization, sites and site improvement
2 or expansion to new sites, existing sites, auxiliary
3 facilities, athletic facilities, or ancillary facilities.

4 (b) Maintenance, renovation, and repair of existing
5 school plants or of leased facilities to correct deficiencies
6 pursuant to s. 1013.15(2).

7 (c) The purchase, lease-purchase, or lease of school
8 buses; ~~drivers' education vehicles; motor vehicles used for~~
9 ~~the maintenance or operation of plants and equipment; security~~
10 ~~vehicles; or vehicles used in storing or distributing~~
11 ~~materials and equipment.~~

12 (d) The purchase, lease-purchase, or lease of new and
13 replacement equipment.

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

20 (f) Payment of loans approved pursuant to ss. 1011.14
21 and 1011.15.

22 (g) Payment of costs directly related to complying
23 with state and federal environmental statutes, rules, and
24 regulations governing school facilities.

25 (h) Payment of costs of leasing relocatable
26 educational facilities, of renting or leasing educational
27 facilities and sites pursuant to s. 1013.15(2), or of renting
28 or leasing buildings or space within existing buildings
29 pursuant to s. 1013.15(4).

30 (i) Payment of the cost of school buses when a school
31 district contracts with a private entity to provide student

1 transportation services if the district meets the requirements
2 of this paragraph.

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

7 2. Each such school bus must be used for the daily
8 transportation of public school students in the manner
9 required by the school district.

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

12 4. The proposed expenditure of the funds for this
13 purpose must have been included in the district school board's
14 notice of proposed tax for school capital outlay as provided
15 in s. 200.065(9).

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

18 (3) A school district that has met the reduction
19 requirements regarding class size for the current year
20 pursuant to s. 1003.03, has received an unqualified opinion on
21 its financial statements for the preceding 3 years, has no
22 material weaknesses or instances of material noncompliance
23 noted in an audit for the preceding 3 years, and certifies to
24 the Commissioner of Education that all of the district's
25 instructional space needs for the next 5 years can be met from
26 capital outlay sources that the district reasonably expects to
27 receive during the next 5 years from local revenues and from
28 currently appropriated state facilities funding or from
29 alternative scheduling or construction, leasing, rezoning, or
30 technological methodologies that exhibit sound management may
31 expend revenue generated by the millage levy authorized by

1 subsection (2) to fund, in addition to expenditures authorized
2 in paragraphs (2)(a) through (j), the following:

3 (a) The purchase, lease-purchase, or lease of driver's
4 education vehicles; motor vehicles used for the maintenance or
5 operation of plants and equipment; security vehicles; or
6 vehicles used in storing or distributing materials and
7 equipment.

8 (b) Payment of the cost of premiums for property and
9 casualty insurance necessary to insure school district
10 educational and ancillary plants. Operating revenues that are
11 made available through the payment of property and casualty
12 insurance premiums from revenues generated under this
13 subsection may be expended only for nonrecurring operational
14 expenditures of the school district.

15 (4) Violations of ~~the these~~ expenditure provisions in
16 subsection (2) or subsection (3) shall result in an equal
17 dollar reduction in the Florida Education Finance Program
18 (FEFP) funds for the violating district in the fiscal year
19 following the audit citation.

20 ~~(5)(3)~~ These taxes shall be certified, assessed, and
21 collected as prescribed in s. 1011.04 and shall be expended as
22 provided by law.

23 ~~(6)(4)~~ Nothing in s. 1011.62(4)(a)1. shall in any way
24 be construed to increase the maximum school millage levies as
25 provided for in subsection (1).

26 ~~(5)(a) It is the intent of the Legislature that, by~~
27 ~~July 1, 2003, revenue generated by the millage levy authorized~~
28 ~~by subsection (2) should be used only for the costs of~~
29 ~~construction, renovation, remodeling, maintenance, and repair~~
30 ~~of the educational plant; for the purchase, lease, or~~
31 ~~lease purchase of equipment, educational plants, and~~

1 ~~construction materials directly related to the delivery of~~
2 ~~student instruction; for the rental or lease of existing~~
3 ~~buildings, or space within existing buildings, originally~~
4 ~~constructed or used for purposes other than education, for~~
5 ~~conversion to use as educational facilities; for the opening~~
6 ~~day collection for the library media center of a new school;~~
7 ~~for the purchase, lease purchase, or lease of school buses or~~
8 ~~the payment to a private entity to offset the cost of school~~
9 ~~buses pursuant to paragraph (2)(i); and for servicing of~~
10 ~~payments related to certificates of participation issued for~~
11 ~~any purpose prior to the effective date of this act. Costs~~
12 ~~associated with the lease purchase of equipment, educational~~
13 ~~plants, and school buses may include the issuance of~~
14 ~~certificates of participation on or after the effective date~~
15 ~~of this act and the servicing of payments related to~~
16 ~~certificates so issued. For purposes of this section,~~
17 ~~"maintenance and repair" is defined in s. 1013.01.~~

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

- 23 ~~1. In fiscal year 2000-2001, 40 percent.~~
- 24 ~~2. In fiscal year 2001-2002, 25 percent.~~
- 25 ~~3. In fiscal year 2002-2003, 10 percent.~~

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

29 ~~(d) Notwithstanding any other provision of this~~
30 ~~subsection, if through its adopted educational facilities plan~~
31 ~~a district has clearly identified the need for an ancillary~~

1 ~~plant, has provided opportunity for public input as to the~~
2 ~~relative value of the ancillary plant versus an educational~~
3 ~~plant, and has obtained public approval, the district may use~~
4 ~~revenue generated by the millage levy authorized by subsection~~
5 ~~(2) for the acquisition, construction, renovation, remodeling,~~
6 ~~maintenance, or repair of an ancillary plant.~~

7
8 ~~A district that violates these expenditure restrictions shall~~
9 ~~have an equal dollar reduction in funds appropriated to the~~
10 ~~district under s. 1011.62 in the fiscal year following the~~
11 ~~audit citation. The expenditure restrictions do not apply to~~
12 ~~any school district that certifies to the Commissioner of~~
13 ~~Education that all of the district's instructional space needs~~
14 ~~for the next 5 years can be met from capital outlay sources~~
15 ~~that the district reasonably expects to receive during the~~
16 ~~next 5 years or from alternative scheduling or construction,~~
17 ~~leasing, rezoning, or technological methodologies that exhibit~~
18 ~~sound management.~~

19 (7)~~(6)~~ In addition to the maximum millage levied under
20 this section and the General Appropriations Act, a school
21 district may levy, by local referendum or in a general
22 election, additional millage for school operational purposes
23 up to an amount that, when combined with nonvoted millage
24 levied under this section, does not exceed the 10-mill limit
25 established in s. 9(b), Art. VII of the State Constitution.
26 Any such levy shall be for a maximum of 4 years and shall be
27 counted as part of the 10-mill limit established in s. 9(b),
28 Art. VII of the State Constitution. Millage elections
29 conducted under the authority granted pursuant to this section
30 are subject to s. 1011.73. Funds generated by such additional
31 millage do not become a part of the calculation of the Florida

1 Education Finance Program total potential funds in 2001-2002
2 or any subsequent year and must not be incorporated in the
3 calculation of any hold-harmless or other component of the
4 Florida Education Finance Program formula in any year. If an
5 increase in required local effort, when added to existing
6 millage levied under the 10-mill limit, would result in a
7 combined millage in excess of the 10-mill limit, any millage
8 levied pursuant to this subsection shall be considered to be
9 required local effort to the extent that the district millage
10 would otherwise exceed the 10-mill limit.

11 Section 5. This act shall take effect upon becoming a
12 law.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bills 574 and 1228

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18 The committee substitute makes academically high performing
19 districts exempt from portions of the education code, not from
20 all statutes.

21 In addition to the requirements for designation as an
22 academically high performing district, in order to have the
23 authority to spend two mill capital outlay funds on property
24 and casualty insurance, the committee substitute requires
25 certification by the district to the Commissioner of Education
26 that all of the district's instructional space needs for the
27 next five years can be met from capital outlay sources that
28 the district reasonably expects to receive during the next
29 five years from local revenues and currently appropriated
30 state facilities revenues or from alternative space
31 utilization strategies.

Also, the committee substitute requires the publication of the
district school board's notice of its intent to levy
additional taxes for capital outlay purposes to add property
and casualty insurance premiums to the list of projects to be
funded.

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