

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Sansom offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. It is the intent of the Legislature that the
6 implementing and administering provisions of this act apply to
7 the act making appropriations and reductions in appropriations
8 for the 2007-2008 state fiscal year.

9 Section 2. In order to implement Specific Appropriations
10 2, 11, 11A, 12, and 12A of House Bill 5001C, 2007C Special
11 Session, subsection (4) of section 1003.03, Florida Statutes, is
12 amended to read:

13 1003.03 Maximum class size.--

14 (4) ACCOUNTABILITY.--

15 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
16 ~~department determines for any year that a school district has~~
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17 ~~not reduced average class size as required in subsection (2) at~~
18 ~~the time of the third FEFP calculation, the department shall~~
19 ~~calculate an amount from the class size reduction operating~~
20 ~~categorical which is proportionate to the amount of class size~~
21 ~~reduction not accomplished. Upon verification of the~~
22 ~~department's calculation by the Florida Education Finance~~
23 ~~Program Appropriation Allocation Conference and not later than~~
24 ~~March 1 of each year, the Executive Office of the Governor shall~~
25 ~~transfer undistributed funds equivalent to the calculated amount~~
26 ~~from the district's class size reduction operating categorical~~
27 ~~to an approved fixed capital outlay appropriation for class size~~
28 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
29 ~~The amount of funds transferred shall be the lesser of the~~
30 ~~amount verified by the Florida Education Finance Program~~
31 ~~Appropriation Allocation Conference or the undistributed balance~~
32 ~~of the district's class size reduction operating categorical.~~

33 ~~2.—In lieu of the transfer required by subparagraph 1.,~~
34 ~~the Commissioner of Education may recommend a budget amendment,~~
35 ~~subject to approval by the Legislative Budget Commission, to~~
36 ~~transfer an alternative amount of funds from the district's~~
37 ~~class size reduction operating categorical to its approved fixed~~
38 ~~capital outlay account for class size reduction if the~~
39 ~~commissioner finds that the State Board of Education has~~
40 ~~reviewed evidence indicating that a district has been unable to~~
41 ~~meet class size reduction requirements despite appropriate~~
42 ~~effort to do so. The commissioner's budget amendment must be~~
43 ~~submitted to the Legislative Budget Commission by February 15 of~~
44 ~~each year.~~

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45 ~~(a)-(b)~~ Beginning in the 2005-2006 school year, the
46 department shall determine by January 15 of each year which
47 districts have not met the two-student-per-year reduction
48 required in subsection (2) based upon a comparison of the
49 district's October student membership survey for the current
50 school year and the February 2003 baseline student membership
51 survey. The department shall report such districts to the
52 Legislature. Each district that has not met the two-student-per-
53 year reduction shall be required to implement one of the
54 following policies in the subsequent school year unless the
55 department finds that the district comes into compliance based
56 upon the February student membership survey:

- 57 1. Year-round schools;
- 58 2. Double sessions;
- 59 3. Rezoning; or
- 60 4. Maximizing use of instructional staff by changing
61 required teacher loads and scheduling of planning periods,
62 deploying school district employees who have professional
63 certification to the classroom, using adjunct educators,
64 operating schools beyond the normal operating hours to provide
65 classes in the evening, or operating more than one session
66 during the day.

67
68 A school district that is required to implement one of the
69 policies outlined in subparagraphs 1.-4. shall correct in the
70 year of implementation any past deficiencies and bring the
71 district into compliance with the two-student-per-year reduction
72 goals established for the district by the department pursuant to
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73 subsection (2). A school district may choose to implement more
74 than one of these policies. The district school superintendent
75 shall report to the Commissioner of Education the extent to
76 which the district implemented any of the policies outlined in
77 subparagraphs 1.-4. in a format to be specified by the
78 Commissioner of Education. The Department of Education shall use
79 the enforcement authority provided in s. 1008.32 to ensure that
80 districts comply with the provisions of this paragraph.

81 (b)~~(e)~~ Beginning in the 2006-2007 school year, the
82 department shall annually determine which districts do not meet
83 the requirements described in subsection (2). In addition to
84 enforcement authority provided in s. 1008.32, the Department of
85 Education shall develop a constitutional compliance plan for
86 each such district which includes, but is not limited to,
87 redrawing school attendance zones to maximize use of facilities
88 while minimizing the additional use of transportation unless the
89 department finds that the district comes into compliance based
90 upon the February student membership survey and the other
91 accountability policies listed in paragraph (a) ~~(b)~~. Each
92 district school board shall implement the constitutional
93 compliance plan developed by the state board until the district
94 complies with the constitutional class size maximums.

95 Section 3. The amendments to s. 1003.03, Florida Statutes,
96 made by this act shall expire July 1, 2008, and the text of that
97 section shall revert to that in existence on the day before the
98 effective date of this act, except that any amendments to such
99 text enacted other than by this act shall be preserved and
100 continue to operate to the extent that such amendments are not

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101 dependent upon the portions of such text that expire pursuant to
102 this section.

103 Section 4. In order to implement Specific Appropriations
104 11 and 11A of House Bill 5001C, 2007C Special Session,
105 subsection (2) of section 1006.36, Florida Statutes, is amended
106 to read:

107 1006.36 Term of adoption for instructional materials.--

108 (2) The department shall publish annually an official
109 schedule of subject areas to be called for adoption for each of
110 the succeeding 2 years, and a tentative schedule for years 3, 4,
111 5, and 6. A district school board may delay the official
112 adoption schedule by 1 year. If extenuating circumstances
113 warrant, the commissioner may order the department to add one or
114 more subject areas to the official schedule, in which event the
115 commissioner shall develop criteria for such additional subject
116 area or areas and make them available to publishers as soon as
117 practicable before the date on which bids are due. The schedule
118 shall be developed so as to promote balance among the subject
119 areas so that the required expenditure for new instructional
120 materials is approximately the same each year in order to
121 maintain curricular consistency.

122 Section 5. The amendments to s. 1006.36, Florida Statutes,
123 made by this act shall expire July 1, 2008, and the text of that
124 section shall revert to that in existence on the day before the
125 effective date of this act, except that any amendments to such
126 text enacted other than by this act shall be preserved and
127 continue to operate to the extent that such amendments are not

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128 dependent upon the portions of such text that expire pursuant to
129 this section.

130 Section 6. In order to implement Specific Appropriations
131 11 and 11A of House Bill 5001C, 2007C Special Session,
132 subsection (6) of section 1011.62, Florida Statutes, is amended
133 to read:

134 1011.62 Funds for operation of schools.--If the annual
135 allocation from the Florida Education Finance Program to each
136 district for operation of schools is not determined in the
137 annual appropriations act or the substantive bill implementing
138 the annual appropriations act, it shall be determined as
139 follows:

140 (6) CATEGORICAL FUNDS.--

141 (a) In addition to the basic amount for current operations
142 for the FEFP as determined in subsection (1), the Legislature
143 may appropriate categorical funding for specified programs,
144 activities, or purposes.

145 (b) If a district school board finds and declares in a
146 resolution adopted at a regular meeting of the school board that
147 expenditures for administration and for all functions not core
148 to K-12 instruction have been reduced to the maximum extent
149 possible and that the funds received for any of the following
150 categorical appropriations are urgently needed to maintain
151 school board specified academic classroom instruction, the
152 school board may consider and approve an amendment to the school
153 district operating budget transferring the identified amount of
154 the categorical funds to the appropriate account for
155 expenditure:

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- 156 1. Funds for student transportation.
- 157 2. Funds for safe schools.
- 158 3. Funds for supplemental academic instruction.
- 159 4. Funds for research-based reading instruction.
- 160 5. Funds for instructional materials.

161 (c) Each district school board shall include in its annual
162 financial report to the Department of Education the amount of
163 funds the school board transferred from each of the categorical
164 funds identified in this subsection and the specific academic
165 classroom instruction for which the transferred funds were
166 expended. The Department of Education shall provide instructions
167 and specify the format to be used in submitting this required
168 information as a part of the district annual financial report.
169 The Department of Education shall provide to the Chair of the
170 Senate Fiscal Policy and Calendar Committee and the Chair of the
171 House Policy and Budget Council a report that identifies by
172 district and by categorical fund the amount transferred and the
173 specific academic classroom instruction for which the
174 transferred funds were expended.

175 (d) If a district school board transfers funds from its
176 research-based reading instruction allocation, the school board
177 must also submit to the Department of Education an amendment
178 describing the changes the district is making to its 2007-2008
179 comprehensive reading plan approved pursuant to paragraph
180 (9) (d) .

181 Section 7. The amendments to s. 1011.62, Florida Statutes,
182 made by this act shall expire July 1, 2008, and the text of that
183 section shall revert to that in existence on the day before the
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184 effective date of this act, except that any amendments to such
185 text enacted other than by this act shall be preserved and
186 continue to operate to the extent that such amendments are not
187 dependent upon the portions of such text that expire pursuant to
188 this section.

189 Section 8. In order to implement Specific Appropriations
190 11 and 11A of House Bill 5001C, 2007C Special Session,
191 subsection (3) of section 1011.71, Florida Statutes, is amended
192 to read:

193 1011.71 District school tax.--

194 (3) A school district that has met the reduction
195 requirements regarding class size for the current year pursuant
196 to s. 1003.03, ~~has received an unqualified opinion on its~~
197 ~~financial statements for the preceding 3 years, has no material~~
198 ~~weaknesses or instances of material noncompliance noted in an~~
199 ~~audit for the preceding 3 years,~~ and certifies to the
200 Commissioner of Education that all of the district's
201 instructional space needs for the next 5 years can be met from
202 capital outlay sources that the district reasonably expects to
203 receive during the next 5 years from local revenues and from
204 currently appropriated state facilities funding or from
205 alternative scheduling or construction, leasing, rezoning, or
206 technological methodologies that exhibit sound management may
207 expend revenue generated by the millage levy authorized by
208 subsection (2) to fund, in addition to expenditures authorized
209 in paragraphs (2)(a)-(j), the following:

210 (a) The purchase, lease-purchase, or lease of driver's
211 education vehicles; motor vehicles used for the maintenance or
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212 operation of plants and equipment; security vehicles; or
213 vehicles used in storing or distributing materials and
214 equipment.

215 (b) Payment of the cost of premiums for property and
216 casualty insurance necessary to insure school district
217 educational and ancillary plants. Operating revenues that are
218 made available through the payment of property and casualty
219 insurance premiums from revenues generated under this subsection
220 may be expended only for nonrecurring operational expenditures
221 of the school district.

222 Section 9. The amendments to s. 1011.71, Florida Statutes,
223 made by this act shall expire July 1, 2008, and the text of that
224 section shall revert to that in existence on the day before the
225 effective date of this act, except that any amendments to such
226 text enacted other than by this act shall be preserved and
227 continue to operate to the extent that such amendments are not
228 dependent upon the portions of such text that expire pursuant to
229 this section.

230 Section 10. In order to implement Specific Appropriations
231 2 and 11 through 12A of House Bill 5001C, 2007C Special Session,
232 the calculations for the budget adjustments to the Florida
233 Education Finance Program for the 2007-2008 fiscal year in the
234 document entitled "Public School Funding--The Florida Education
235 Finance Program Revised Second Calculation," dated October 2007
236 and filed with the Secretary of the Senate, are incorporated by
237 reference for the purpose of displaying the calculations used by
238 the Legislature, consistent with the requirements of the Florida

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239 Statutes, in making appropriations for the Florida Education
240 Finance Program. This section expires July 1, 2008.

241 Section 11. A section of this act that implements a
242 specific appropriation or specifically identified proviso
243 language in the act making appropriations and reductions in
244 appropriations for the 2007-2008 state fiscal year is void if
245 the specific appropriation or specifically identified proviso
246 language is vetoed. A section of this act that implements more
247 than one specific appropriation or more than one portion of
248 specifically identified proviso language in the act making
249 appropriations and reductions in appropriations for the 2007-
250 2008 state fiscal year is void if all the specific
251 appropriations or portions of specifically identified proviso
252 language are vetoed.

253 Section 12. If any other act passed in 2007 contains a
254 provision that is substantively the same as a provision in this
255 act but that removes or is otherwise not subject to the future
256 repeal or reversion applied to such provision by this act, the
257 Legislature intends that the provision in the other act shall
258 take precedence and shall continue to operate, notwithstanding
259 the future repeal or reversion provided by this act.

260 Section 13. Paragraph (f) of subsection (3) of section
261 393.0661, Florida Statutes, is amended to read:

262 393.0661 Home and community-based services delivery
263 system; comprehensive redesign.--The Legislature finds that the
264 home and community-based services delivery system for persons
265 with developmental disabilities and the availability of
266 appropriated funds are two of the critical elements in making

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267 services available. Therefore, it is the intent of the
268 Legislature that the Agency for Persons with Disabilities shall
269 develop and implement a comprehensive redesign of the system.

270 (3) The Agency for Health Care Administration, in
271 consultation with the agency, shall seek federal approval and
272 implement a four-tiered waiver system to serve clients with
273 developmental disabilities in the developmental disabilities and
274 family and supported living waivers. The agency shall assign all
275 clients receiving services through the developmental
276 disabilities waiver to a tier based on a valid assessment
277 instrument, client characteristics, and other appropriate
278 assessment methods. All services covered under the current
279 developmental disabilities waiver shall be available to all
280 clients in all tiers where appropriate, except as otherwise
281 provided in this subsection or in the General Appropriations
282 Act.

283 (f) The agency shall seek federal waivers and amend
284 contracts as necessary to make changes to services defined in
285 federal waiver programs administered by the agency as follows:

286 1. Supported living coaching services shall not exceed 20
287 hours per month for persons who also receive in-home support
288 services.

289 2. Limited support coordination services shall be the only
290 type of support coordination service provided to persons under
291 the age of 18 who live in the family home.

292 3. Personal care assistance services shall be limited to
293 no more than 180 hours per calendar month and shall not include
294 rate modifiers. Additional hours may be authorized for persons
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295 who have intensive physical, medical, or adaptive needs and if
296 such hours are essential for avoiding institutionalization ~~only~~
297 ~~if a substantial change in circumstances occurs for the~~
298 ~~individual.~~

299 4. Residential habilitation services shall be limited to 8
300 hours per day. Additional hours may be authorized for persons
301 who have intensive medical or adaptive needs and if such hours
302 are essential for avoiding institutionalization, or for persons
303 who possess behavioral problems that are exceptional in
304 intensity, duration, or frequency and present a substantial risk
305 of harming themselves or others. This restriction shall be in
306 effect until the four-tiered waiver system is fully implemented.

307 5. Chore Services, nonresidential support services, and
308 homemaker services shall be eliminated. The agency shall expand
309 the definition of in-home support services to enable the
310 provider of the service to include activities previously
311 provided in these eliminated services.

312 6. Massage therapy and psychological assessment services
313 shall be eliminated.

314 7. The agency shall conduct supplemental cost plan reviews
315 to verify the medical necessity of authorized services for plans
316 that have increased by more than 8 percent during either of the
317 2 preceding fiscal years.

318 8. The agency shall implement a consolidated residential
319 habilitation rate structure to increase savings to the state
320 through a more cost-effective payment method and establish
321 uniform rates for intensive behavioral residential habilitation
322 services.

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323 9. Pending federal approval, the agency is authorized to
324 extend current support plans for clients receiving services
325 under Medicaid waivers for 1 year beginning July 1, 2007, or
326 from the date approved, whichever is later. Clients who have a
327 substantial change in circumstances which threatens their health
328 and safety may be reassessed during this year in order to
329 determine the necessity for a change in their support plan.

330 Section 14. The following proviso language associated with
331 Specific Appropriation 270 in chapter 2007-72, Laws of Florida,
332 is amended to read:

333
334 Personal Care Assistance services shall be limited to no more
335 than 180 hours per calendar month and shall not include rate
336 modifiers. Additional hours may be authorized for persons who
337 have intensive physical, medical, or adaptive needs and if such
338 hours are essential for avoiding institutionalization ~~only if a~~
339 ~~substantial change in circumstances occurs for the individual.~~

340
341 Section 15. If any provision of this act or its
342 application to any person or circumstance is held invalid, the
343 invalidity shall not affect other provisions or applications of
344 the act which can be given effect without the invalid provision
345 or application, and to this end the provisions of this act are
346 declared severable.

347 Section 16. This act shall take effect upon becoming a
348 law.

349
350 ===== T I T L E A M E N D M E N T =====

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351 Remove the entire title and insert:
352 A bill to be entitled
353 An act relating to implementing the act making
354 appropriations and reductions in appropriations for the
355 2007-2008 state fiscal year; providing legislative intent;
356 amending s. 1003.03, F.S.; removing requirements for the
357 transfer of certain funds for a school district that is
358 not in compliance with class size reduction requirements;
359 amending s. 1006.36, F.S.; authorizing a district school
360 board to delay the instructional materials adoption
361 schedule; amending s. 1011.62, F.S.; authorizing certain
362 expenditures from categorical funds as determined by the
363 district school board under certain conditions; revising
364 reporting requirements; amending s. 1011.71, F.S.;
365 revising the requirements under which school districts
366 qualify to use capital outlay funds for certain purposes;
367 specifying the calculations for the budget adjustments to
368 the Florida Education Finance Program for the 2007-2008
369 fiscal year; providing for reversion of certain
370 provisions; providing effect of veto of specific
371 appropriation or proviso to which implementing language
372 refers; providing applicability to other legislation;
373 amending s. 393.0661, F.S.; providing for additional hours
374 to be authorized under the personal care assistance
375 services provided pursuant to a federal waiver program and
376 administered by the Agency for Persons with Disabilities;
377 amending proviso language contained in Specific
378 Appropriation 270 in chapter 2007-72, Laws of Florida, to

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379 conform; providing severability; providing an effective
380 date.