

HB 5003C

2007

1 A bill to be entitled

2 An act relating to implementing the act making
3 appropriations and reductions in appropriations for the
4 2007-2008 state fiscal year; providing legislative intent;
5 amending s. 1003.03, F.S.; removing requirements for the
6 transfer of certain funds for a school district that is
7 not in compliance with class size reduction requirements;
8 amending s. 1006.36, F.S.; authorizing a district school
9 board to delay the instructional materials adoption
10 schedule; amending s. 1011.62, F.S.; authorizing certain
11 expenditures from categorical funds as determined by the
12 district school board under certain conditions; revising
13 reporting requirements; amending s. 1011.71, F.S. ;
14 revising the requirements under which school districts
15 qualify to use capital outlay funds for certain purposes;
16 specifying the calculations for the budget adjustments to
17 the Florida Education Finance Program for the 2007-2008
18 fiscal year; providing for reversion of certain
19 provisions; providing effect of veto of specific
20 appropriation or proviso to which implementing language
21 refers; providing applicability to other legislation;
22 providing severability; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. It is the intent of the Legislature that the
27 implementing and administering provisions of this act apply to

28 the act making appropriations and reductions in appropriations
 29 for the 2007-2008 state fiscal year.

30 Section 2. In order to implement Specific Appropriations
 31 2, 11, 11A, 12, and 12A of House Bill 5001C, 2007C Special
 32 Session, subsection (4) of section 1003.03, Florida Statutes, is
 33 amended to read:

34 1003.03 Maximum class size.--

35 (4) ACCOUNTABILITY.--

36 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
 37 ~~department determines for any year that a school district has~~
 38 ~~not reduced average class size as required in subsection (2) at~~
 39 ~~the time of the third FEFP calculation, the department shall~~
 40 ~~calculate an amount from the class size reduction operating~~
 41 ~~categorical which is proportionate to the amount of class size~~
 42 ~~reduction not accomplished. Upon verification of the~~
 43 ~~department's calculation by the Florida Education Finance~~
 44 ~~Program Appropriation Allocation Conference and not later than~~
 45 ~~March 1 of each year, the Executive Office of the Governor shall~~
 46 ~~transfer undistributed funds equivalent to the calculated amount~~
 47 ~~from the district's class size reduction operating categorical~~
 48 ~~to an approved fixed capital outlay appropriation for class size~~
 49 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
 50 ~~The amount of funds transferred shall be the lesser of the~~
 51 ~~amount verified by the Florida Education Finance Program~~
 52 ~~Appropriation Allocation Conference or the undistributed balance~~
 53 ~~of the district's class size reduction operating categorical.~~

54 ~~2. In lieu of the transfer required by subparagraph 1.,~~
 55 ~~the Commissioner of Education may recommend a budget amendment,~~

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56 ~~subject to approval by the Legislative Budget Commission, to~~
57 ~~transfer an alternative amount of funds from the district's~~
58 ~~class size reduction operating categorical to its approved fixed~~
59 ~~capital outlay account for class size reduction if the~~
60 ~~commissioner finds that the State Board of Education has~~
61 ~~reviewed evidence indicating that a district has been unable to~~
62 ~~meet class size reduction requirements despite appropriate~~
63 ~~effort to do so. The commissioner's budget amendment must be~~
64 ~~submitted to the Legislative Budget Commission by February 15 of~~
65 ~~each year.~~

66 (a) ~~(b)~~ Beginning in the 2005-2006 school year, the
67 department shall determine by January 15 of each year which
68 districts have not met the two-student-per-year reduction
69 required in subsection (2) based upon a comparison of the
70 district's October student membership survey for the current
71 school year and the February 2003 baseline student membership
72 survey. The department shall report such districts to the
73 Legislature. Each district that has not met the two-student-per-
74 year reduction shall be required to implement one of the
75 following policies in the subsequent school year unless the
76 department finds that the district comes into compliance based
77 upon the February student membership survey:

- 78 1. Year-round schools;
- 79 2. Double sessions;
- 80 3. Rezoning; or
- 81 4. Maximizing use of instructional staff by changing
82 required teacher loads and scheduling of planning periods,
83 deploying school district employees who have professional

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84 certification to the classroom, using adjunct educators,
85 operating schools beyond the normal operating hours to provide
86 classes in the evening, or operating more than one session
87 during the day.

88
89 A school district that is required to implement one of the
90 policies outlined in subparagraphs 1.-4. shall correct in the
91 year of implementation any past deficiencies and bring the
92 district into compliance with the two-student-per-year reduction
93 goals established for the district by the department pursuant to
94 subsection (2). A school district may choose to implement more
95 than one of these policies. The district school superintendent
96 shall report to the Commissioner of Education the extent to
97 which the district implemented any of the policies outlined in
98 subparagraphs 1.-4. in a format to be specified by the
99 Commissioner of Education. The Department of Education shall use
100 the enforcement authority provided in s. 1008.32 to ensure that
101 districts comply with the provisions of this paragraph.

102 (b)~~(e)~~ Beginning in the 2006-2007 school year, the
103 department shall annually determine which districts do not meet
104 the requirements described in subsection (2). In addition to
105 enforcement authority provided in s. 1008.32, the Department of
106 Education shall develop a constitutional compliance plan for
107 each such district which includes, but is not limited to,
108 redrawing school attendance zones to maximize use of facilities
109 while minimizing the additional use of transportation unless the
110 department finds that the district comes into compliance based
111 upon the February student membership survey and the other

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112 accountability policies listed in paragraph (a) ~~(b)~~. Each
113 district school board shall implement the constitutional
114 compliance plan developed by the state board until the district
115 complies with the constitutional class size maximums.

116 Section 3. The amendments to s. 1003.03, Florida Statutes,
117 made by this act shall expire July 1, 2008, and the text of that
118 section shall revert to that in existence on the day before the
119 effective date of this act, except that any amendments to such
120 text enacted other than by this act shall be preserved and
121 continue to operate to the extent that such amendments are not
122 dependent upon the portions of such text that expire pursuant to
123 this section.

124 Section 4. In order to implement Specific Appropriations
125 11 and 11A of House Bill 5001C, 2007C Special Session,
126 subsection (2) of section 1006.36, Florida Statutes, is amended
127 to read:

128 1006.36 Term of adoption for instructional materials.--

129 (2) The department shall publish annually an official
130 schedule of subject areas to be called for adoption for each of
131 the succeeding 2 years~~7~~, and a tentative schedule for years 3, 4,
132 5, and 6. A district school board may delay the official
133 adoption schedule by 1 year. If extenuating circumstances
134 warrant, the commissioner may order the department to add one or
135 more subject areas to the official schedule, in which event the
136 commissioner shall develop criteria for such additional subject
137 area or areas and make them available to publishers as soon as
138 practicable before the date on which bids are due. The schedule
139 shall be developed so as to promote balance among the subject

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140 areas so that the required expenditure for new instructional
141 materials is approximately the same each year in order to
142 maintain curricular consistency.

143 Section 5. The amendments to s. 1006.36, Florida Statutes,
144 made by this act shall expire July 1, 2008, and the text of that
145 section shall revert to that in existence on the day before the
146 effective date of this act, except that any amendments to such
147 text enacted other than by this act shall be preserved and
148 continue to operate to the extent that such amendments are not
149 dependent upon the portions of such text that expire pursuant to
150 this section.

151 Section 6. In order to implement Specific Appropriations
152 11 and 11A of House Bill 5001C, 2007C Special Session,
153 subsection (6) of section 1011.62, Florida Statutes, is amended
154 to read:

155 1011.62 Funds for operation of schools.--If the annual
156 allocation from the Florida Education Finance Program to each
157 district for operation of schools is not determined in the
158 annual appropriations act or the substantive bill implementing
159 the annual appropriations act, it shall be determined as
160 follows:

161 (6) CATEGORICAL FUNDS.--

162 (a) In addition to the basic amount for current operations
163 for the FEFP as determined in subsection (1), the Legislature
164 may appropriate categorical funding for specified programs,
165 activities, or purposes.

166 (b) If a district school board finds and declares in a
167 resolution adopted at a regular meeting of the school board that

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168 expenditures for administration and for all functions not core
169 to K-12 instruction have been reduced to the maximum extent
170 possible and that the funds received for any of the following
171 categorical appropriations are urgently needed to maintain
172 school board specified academic classroom instruction, the
173 school board may consider and approve an amendment to the school
174 district operating budget transferring the identified amount of
175 the categorical funds to the appropriate account for
176 expenditure:

- 177 1. Funds for student transportation.
- 178 2. Funds for safe schools.
- 179 3. Funds for supplemental academic instruction.
- 180 4. Funds for research-based reading instruction.
- 181 5. Funds for instructional materials.

182 (c) Each district school board shall include in its annual
183 financial report to the Department of Education the amount of
184 funds the school board transferred from each of the categorical
185 funds identified in this subsection and the specific academic
186 classroom instruction for which the transferred funds were
187 expended. The Department of Education shall provide instructions
188 and specify the format to be used in submitting this required
189 information as a part of the district annual financial report.
190 The Department of Education shall provide to the Chair of the
191 Senate Fiscal Policy and Calendar Committee and the Chair of the
192 House Policy and Budget Council a report that identifies by
193 district and by categorical fund the amount transferred and the
194 specific academic classroom instruction for which the
195 transferred funds were expended.

196 (d) If a district school board transfers funds from its
 197 research-based reading instruction allocation, the school board
 198 must also submit to the Department of Education an amendment
 199 describing the changes the district is making to its 2007-2008
 200 comprehensive reading plan approved pursuant to paragraph
 201 (9) (d).

202 Section 7. The amendments to s. 1011.62, Florida Statutes,
 203 made by this act shall expire July 1, 2008, and the text of that
 204 section shall revert to that in existence on the day before the
 205 effective date of this act, except that any amendments to such
 206 text enacted other than by this act shall be preserved and
 207 continue to operate to the extent that such amendments are not
 208 dependent upon the portions of such text that expire pursuant to
 209 this section.

210 Section 8. In order to implement Specific Appropriations
 211 11 and 11A of House Bill 5001C, 2007C Special Session,
 212 subsection (3) of section 1011.71, Florida Statutes, is amended
 213 to read:

214 1011.71 District school tax.--

215 (3) A school district that has met the reduction
 216 requirements regarding class size for the current year pursuant
 217 to s. 1003.03, ~~has received an unqualified opinion on its~~
 218 ~~financial statements for the preceding 3 years, has no material~~
 219 ~~weaknesses or instances of material noncompliance noted in an~~
 220 ~~audit for the preceding 3 years,~~ and certifies to the
 221 Commissioner of Education that all of the district's
 222 instructional space needs for the next 5 years can be met from
 223 capital outlay sources that the district reasonably expects to

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224 receive during the next 5 years from local revenues and from
225 currently appropriated state facilities funding or from
226 alternative scheduling or construction, leasing, rezoning, or
227 technological methodologies that exhibit sound management may
228 expend revenue generated by the millage levy authorized by
229 subsection (2) to fund, in addition to expenditures authorized
230 in paragraphs (2)(a)-(j), the following:

231 (a) The purchase, lease-purchase, or lease of driver's
232 education vehicles; motor vehicles used for the maintenance or
233 operation of plants and equipment; security vehicles; or
234 vehicles used in storing or distributing materials and
235 equipment.

236 (b) Payment of the cost of premiums for property and
237 casualty insurance necessary to insure school district
238 educational and ancillary plants. Operating revenues that are
239 made available through the payment of property and casualty
240 insurance premiums from revenues generated under this subsection
241 may be expended only for nonrecurring operational expenditures
242 of the school district.

243 Section 9. The amendments to s. 1011.71, Florida Statutes,
244 made by this act shall expire July 1, 2008, and the text of that
245 section shall revert to that in existence on the day before the
246 effective date of this act, except that any amendments to such
247 text enacted other than by this act shall be preserved and
248 continue to operate to the extent that such amendments are not
249 dependent upon the portions of such text that expire pursuant to
250 this section.

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251 Section 10. In order to implement Specific Appropriations
252 2 and 11 through 12A of House Bill 5001C, 2007C Special Session,
253 the calculations for the budget adjustments to the Florida
254 Education Finance Program for the 2007-2008 fiscal year in the
255 document entitled "Public School Funding--The Florida Education
256 Finance Program Revised Second Calculation," dated October 2007
257 and filed with the Secretary of the Senate, are incorporated by
258 reference for the purpose of displaying the calculations used by
259 the Legislature, consistent with the requirements of the Florida
260 Statutes, in making appropriations for the Florida Education
261 Finance Program. This section expires July 1, 2008.

262 Section 11. A section of this act that implements a
263 specific appropriation or specifically identified proviso
264 language in the act making appropriations and reductions in
265 appropriations for the 2007-2008 state fiscal year is void if
266 the specific appropriation or specifically identified proviso
267 language is vetoed. A section of this act that implements more
268 than one specific appropriation or more than one portion of
269 specifically identified proviso language in the act making
270 appropriations and reductions in appropriations for the 2007-
271 2008 state fiscal year is void if all the specific
272 appropriations or portions of specifically identified proviso
273 language are vetoed.

274 Section 12. If any other act passed in 2007 contains a
275 provision that is substantively the same as a provision in this
276 act but that removes or is otherwise not subject to the future
277 repeal or reversion applied to such provision by this act, the
278 Legislature intends that the provision in the other act shall

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279 take precedence and shall continue to operate, notwithstanding
280 the future repeal or reversion provided by this act.

281 Section 13. If any provision of this act or its
282 application to any person or circumstance is held invalid, the
283 invalidity shall not affect other provisions or applications of
284 the act which can be given effect without the invalid provision
285 or application, and to this end the provisions of this act are
286 declared severable.

287 Section 14. This act shall take effect upon becoming a
288 law.