

By the Committee on Education Pre-K - 12 Appropriations; and
Senator Wise

602-468-08

1 A bill to be entitled
2 An act relating to adjustments to education
3 appropriations; amending s. 1003.03, F.S.;
4 authorizing the Commissioner of Education to
5 recommend a reduction in the amount transferred
6 to a school district's fixed capital outlay
7 fund based on the reduction in the district's
8 allocation for its class size operating
9 categorical; amending s. 1011.62, F.S.;
10 providing for a district school board to
11 transfer certain categorical funds for academic
12 classroom instruction; requiring the Department
13 of Education to report to the Legislature the
14 amounts transferred and the activities for
15 which the funds were expended; requiring a
16 district school board to report to the
17 department if the board transfers funds from
18 its allocation for research-based reading
19 instruction; requiring that the Legislature
20 determine the percent of decline in funding for
21 unweighted full-time equivalent students if
22 funds are reduced during a fiscal year;
23 providing for future expiration of certain
24 provisions; amending s. 1011.71, F.S.; revising
25 requirements for a school district with respect
26 to expending revenue generated by the district
27 school tax millage; providing for future
28 expiration of such provisions; amending s.
29 1012.225, F.S.; providing for the release of
30 funds appropriated for the Merit Award Program
31 for Instructional Personnel and School-Based

1 Administrators; amending s. 1012.72, F.S.,
2 relating to the Dale Hickam Excellent Teaching
3 Program; providing for funds for mentoring and
4 related services to be prorated among eligible
5 recipients if funds are insufficient in any
6 fiscal year to pay such bonuses in full;
7 incorporating by reference certain calculations
8 used by the Legislature for the 2007-2008
9 fiscal year; providing legislative intent with
10 respect to reductions in expenditures made by
11 district school boards; providing an effective
12 date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (4) of section
17 1003.03, Florida Statutes, is amended to read:

18 1003.03 Maximum class size.--

19 (4) ACCOUNTABILITY.--

20 (a)1. Beginning in the 2003-2004 fiscal year, if the
21 department determines for any year that a school district has
22 not reduced average class size as required in subsection (2)
23 at the time of the third FEFP calculation, the department
24 shall calculate an amount from the class size reduction
25 operating categorical which is proportionate to the amount of
26 class size reduction not accomplished. Upon verification of
27 the department's calculation by the Florida Education Finance
28 Program Appropriation Allocation Conference and not later than
29 March 1 of each year, the Executive Office of the Governor
30 shall transfer undistributed funds equivalent to the
31 calculated amount from the district's class size reduction

1 | operating categorical to an approved fixed capital outlay
2 | appropriation for class size reduction in the affected
3 | district pursuant to s. 216.292(2)(d). The amount of funds
4 | transferred shall be the lesser of the amount verified by the
5 | Florida Education Finance Program Appropriation Allocation
6 | Conference or the undistributed balance of the district's
7 | class size reduction operating categorical.

8 | 2. In lieu of the transfer required by subparagraph
9 | 1., the Commissioner of Education may recommend a budget
10 | amendment, subject to approval by the Legislative Budget
11 | Commission, to transfer an alternative amount of funds from
12 | the district's class size reduction operating categorical to
13 | its approved fixed capital outlay account for class size
14 | reduction if the commissioner finds that the State Board of
15 | Education has reviewed evidence indicating that a district has
16 | been unable to meet class size reduction requirements despite
17 | appropriate effort to do so. The commissioner's budget
18 | amendment must be submitted to the Legislative Budget
19 | Commission by February 15 of each year.

20 | 3. For the 2007-2008 fiscal year and thereafter, if in
21 | any fiscal year funds from a district's class size operating
22 | categorical are required to be transferred to its fixed
23 | capital outlay fund and the district's class size operating
24 | categorical allocation in the General Appropriations Act for
25 | that fiscal year has been reduced by a subsequent
26 | appropriation, the Commissioner of Education may recommend a
27 | reduction in the amount of the transfer up to the same
28 | percentage that the district's class size operating
29 | categorical allocation was reduced.

30 | Section 2. Subsections (6) and (8) of section 1011.62,
31 | Florida Statutes, are amended to read:

1 1011.62 Funds for operation of schools.--If the annual
2 allocation from the Florida Education Finance Program to each
3 district for operation of schools is not determined in the
4 annual appropriations act or the substantive bill implementing
5 the annual appropriations act, it shall be determined as
6 follows:

7 (6) CATEGORICAL FUNDS.--

8 (a) In addition to the basic amount for current
9 operations for the FEFP as determined in subsection (1), the
10 Legislature may appropriate categorical funding for specified
11 programs, activities, or purposes.

12 (b) If a district school board finds and declares in a
13 resolution adopted at a regular meeting of the school board
14 that the funds received for any of the following categorical
15 appropriations are urgently needed to maintain school board
16 specified academic classroom instruction, the school board may
17 consider and approve an amendment to the school district
18 operating budget transferring the identified amount of the
19 categorical funds to the appropriate account for expenditure:

- 20 1. Funds for student transportation.
- 21 2. Funds for safe schools.
- 22 3. Funds for supplemental academic instruction.
- 23 4. Funds for research-based reading instruction.
- 24 5. Funds for the exceptional student education
25 guaranteed allocation.
- 26 6. Funds for instructional materials if all
27 instructional material purchases have been completed for that
28 fiscal year, but no sooner than March 1, 2008.

29 (c) Each district school board shall include in its
30 annual financial report to the Department of Education the
31 amount of funds the school board transferred from each of the

1 categorical funds identified in this subsection and the
2 specific academic classroom instruction for which the
3 transferred funds were expended. The Department of Education
4 shall provide instructions and specify the format to be used
5 in submitting this required information as a part of the
6 district annual financial report. The department shall provide
7 to the Legislature a report that identifies by district and by
8 categorical fund the amount transferred and the specific
9 academic classroom activity for which the funds were expended.

10 (d) If a district school board transfers funds from
11 its research-based reading instruction allocation, the board
12 must also submit to the Department of Education an amendment
13 describing the changes that the district is making to its
14 reading plan approved pursuant to paragraph (9)(d).

15 (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In
16 those districts where there is a decline between prior year
17 and current year unweighted FTE students, 50 percent of the
18 decline in the unweighted FTE students shall be multiplied by
19 the prior year calculated FEFP per unweighted FTE student and
20 shall be added to the allocation for that district. For this
21 purpose, the calculated FEFP shall be computed by multiplying
22 the weighted FTE students by the base student allocation and
23 then by the district cost differential. If a district
24 transfers a program to another institution not under the
25 authority of the district's school board, including a charter
26 technical career center, the decline is to be multiplied by a
27 factor of 0.15. However, if the funds provided for the Florida
28 Education Finance Program in the General Appropriations Act
29 for any fiscal year are reduced by a subsequent appropriation
30 for that fiscal year, the percent of the decline in the
31 unweighted FTE students to be funded shall be determined by

1 the Legislature and designated in the subsequent
2 appropriation.

3 Section 3. The amendments to s. 1011.62(6), Florida
4 Statutes, made by this act shall expire July 1, 2008, and the
5 text of that section shall revert to that in existence on the
6 day before the effective date of this act, except that any
7 amendments to such text enacted other than by this act shall
8 be preserved and continue to operate to the extent that such
9 amendments are not dependent upon the portions of such text
10 which expire pursuant to this section.

11 Section 4. Subsection (3) of section 1011.71, Florida
12 Statutes, is amended to read:

13 1011.71 District school tax.--

14 (3) A school district that has met the reduction
15 requirements regarding class size for the current year
16 pursuant to s. 1003.03, ~~has received an unqualified opinion on~~
17 ~~its financial statements for the preceding 3 years, has no~~
18 ~~material weaknesses or instances of material noncompliance~~
19 ~~noted in an audit for the preceding 3 years,~~ and certifies to
20 the Commissioner of Education that all of the district's
21 instructional space needs for the next 5 years can be met from
22 capital outlay sources that the district reasonably expects to
23 receive during the next 5 years from local revenues and from
24 currently appropriated state facilities funding or from
25 alternative scheduling or construction, leasing, rezoning, or
26 technological methodologies that exhibit sound management may
27 expend revenue generated by the millage levy authorized by
28 subsection (2) to fund, in addition to expenditures authorized
29 in paragraphs (2)(a)-(j), the following:

30 (a) The purchase, lease-purchase, or lease of driver's
31 education vehicles; motor vehicles used for the maintenance or

1 operation of plants and equipment; security vehicles; or
2 vehicles used in storing or distributing materials and
3 equipment.

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

11 Section 5. The amendments to s. 1011.71(3), Florida
12 Statutes, made by this act shall expire July 1, 2008, and the
13 text of that section shall revert to that in existence on the
14 day before the effective date of this act, except that any
15 amendments to such text enacted other than by this act shall
16 be preserved and continue to operate to the extent that such
17 amendments are not dependent upon the portions of such text
18 which expire pursuant to this section.

19 Section 6. Subsection (1) of section 1012.225, Florida
20 Statutes, is amended to read:

21 1012.225 Merit Award Program for Instructional
22 Personnel and School-Based Administrators.--

23 (1) ELIGIBILITY.--

24 (a) In order to be eligible for funding under this
25 section, a district school board must adopt a Merit Award
26 Program plan that provides for an assessment and a merit award
27 based on the performance of students assigned to the
28 employee's classroom or school pursuant to paragraph (3)(a) or
29 paragraph (3)(b). Charter schools may participate in the
30 program by using the district's Merit Award Program plan or
31 may adopt an alternative Merit Award Program plan as provided

1 | in paragraph (5)(b). All instructional personnel, as defined
2 | in s. 1012.01(2)(a)-(d), and school-based administrators, as
3 | defined in s. 1012.01(3)(c), are eligible as individuals or as
4 | instructional teams to receive merit awards, with the
5 | exception of substitute teachers. In order to receive a merit
6 | award as an instructional team under this section, team
7 | members must be assessed on the performance of students
8 | assigned to the team members' classrooms or within the
9 | members' academic sphere of responsibility. The district
10 | school board may not require instructional personnel or
11 | school-based administrators to apply for an award, or make any
12 | presentation, in order to be assessed for or receive a merit
13 | award. A plan is subject to negotiation as provided in chapter
14 | 447. The Department of Education may not distribute any
15 | portion of pro rata funding to a district, or to a district
16 | for a charter school within the district, if the district or
17 | charter school chooses not to adopt a Merit Award Program plan
18 | under this section. Undistributed funds shall be considered
19 | unobligated and shall revert to the fund from which the
20 | appropriation was made in accordance with s. 216.301.

21 | (b) Funds appropriated for the Merit Award Program
22 | shall be released and distributed to eligible school districts
23 | on or before July 31 for distribution to eligible recipients
24 | by September 1 pursuant to paragraph (2)(a).

25 | Section 7. Subsection (5) is added to section 1012.72,
26 | Florida Statutes, to read:

27 | 1012.72 Dale Hickam Excellent Teaching Program.--

28 | (5) If the funds available in any fiscal year are
29 | insufficient to pay in full the annual bonuses for
30 | certification and for providing mentoring and related
31 |

1 services, payments for providing mentoring and related
2 services shall be prorated among the eligible recipients.

3 Section 8. In order to implement Specific
4 Appropriations 3, 4, and 34-37A of the 2007-2008 Special
5 Appropriations Act, the calculations of the Florida Education
6 Finance Program for the 2007-2008 fiscal year in the document
7 entitled "Public School Funding - The Florida Education
8 Finance Program," dated _____, and filed with the
9 Secretary of the Senate are incorporated by reference for the
10 purpose of displaying the calculations used by the
11 Legislature, consistent with requirements of the Florida
12 Statutes, in making appropriations and reductions in
13 appropriations for the Florida Education Finance Program.

14 Section 9. The 2007-2008 appropriations for the
15 Florida Education Finance Program and categorical funds
16 provide each school district an increase in total potential
17 funds per full-time equivalent student which is greater than
18 the amount provided for the 2006-2007 fiscal year. Therefore,
19 it is the intent of the Legislature that any reductions in
20 expenditures by school districts in response to any of the
21 appropriation reductions for the 2007-2008 fiscal year be made
22 in functions other than classroom instruction. This section
23 expires July 1, 2008.

24 Section 10. This act shall take effect upon becoming a
25 law.

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