

By Senator Wise

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1 A bill to be entitled
2 An act relating to public school utilization; amending s.
3 1013.64, F.S.; establishing the Increased Utilization
4 Program, which shall be funded as a part of the Public
5 Education Capital Outlay and Debt Service Trust Fund;
6 providing a formula for allocation of funds to a school
7 district that increases its FTE facility capacity;
8 providing eligibility requirements and restrictions;
9 amending s. 1003.03, F.S.; authorizing use of alternative,
10 nontraditional school calendars for purposes of meeting
11 constitutional class size maximums; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (7) is added to section 1013.64,
17 Florida Statutes, to read:

18 1013.64 Funds for comprehensive educational plant needs;
19 construction cost maximums for school district capital
20 projects.--Allocations from the Public Education Capital Outlay
21 and Debt Service Trust Fund to the various boards for capital
22 outlay projects shall be determined as follows:

23 (7) (a) Beginning with the 2008-2009 fiscal year, there is
24 established the Increased Utilization Program that shall be
25 funded as a part of the Public Education Capital Outlay and Debt
26 Service Trust Fund in an amount each year not to exceed 15
27 percent of the total funds appropriated under paragraph (3) (a).
28 These funds shall be allocated by the commissioner to any school
29 district according to the following formula: Any eligible school

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30 that increases its FTE facility capacity by at least 20 percent
31 as a result of using an alternative, nontraditional calendar
32 shall receive up to a maximum of \$250 per each FTE generated
33 within the school.

34 (b) To be eligible, a district school board must submit a
35 resolution to the commissioner by August 1 of each fiscal year,
36 beginning August 1, 2008, of its intent to participate in the
37 Increased Utilization Program, listing each of the schools
38 eligible during the prior fiscal year. The information listed for
39 each school must include the maximum FTE capacity for the year as
40 contained in the Florida Inventory of School Houses in the Office
41 of Educational Facilities and the increase attributable to the
42 alternative, nontraditional calendar. To be eligible, each
43 individual school's FTE must exceed the maximum facility capacity
44 during the year by at least 20 percent.

45 (c) Each school district qualifying for funding under this
46 subsection may be paid up to \$250 per each FTE generated per
47 eligible school for a maximum of 5 years if funds are available.
48 If funds are insufficient during any fiscal year, the
49 commissioner shall determine the pro rata amount.

50 (d) Funds received by a school district through the
51 Increased Utilization Program shall be exempt from repayment of
52 any project outstanding pursuant to subsection (2).

53 (e) All funds accruing to a school district under this
54 subsection shall be allocated to the schools generating the
55 increased capacity and shall be expended on needed projects as
56 recommended in a survey under the rules of the State Board of
57 Education.

58 (f) Overcrowding of a school or double session does not

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59 apply. In addition, students may not be assigned to instructional
60 spaces contrary to the State Requirements for Educational
61 Facilities.

62 Section 2. Paragraph (j) of subsection (3) of section
63 1003.03, Florida Statutes, is amended to read:

64 1003.03 Maximum class size.--

65 (3) IMPLEMENTATION OPTIONS.--District school boards must
66 consider, but are not limited to, implementing the following
67 items in order to meet the constitutional class size maximums
68 described in subsection (1) and the two-student-per-year
69 reduction required in subsection (2):

70 (j) Use alternative, ~~year-round schools and other~~
71 nontraditional calendars that do not adversely impact annual
72 assessment of student achievement.

73 Section 3. This act shall take effect July 1, 2008.