

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.

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 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 which 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
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
39 for each school must include the maximum FTE capacity for the
40 year as contained in the Florida Inventory of School Houses in
41 the Office of Educational Facilities and the increase
42 attributable to the alternative, nontraditional calendar. To be
43 eligible, each individual school's FTE must exceed the maximum
44 facility capacity 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

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57 Education.

58 (f) Overcrowding of a school or double session does not
 59 apply. In addition, students may not be assigned to
 60 instructional spaces contrary to the State Requirements for
 61 Educational 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.