

By Senator Montford

6-01204A-12

20121798

1 A bill to be entitled
2 An act relating to public education; amending s.
3 120.74, F.S.; defining the term "agency" for purposes
4 of exempting school districts from reviewing rules and
5 making certain reports; conforming cross-references;
6 amending ss. 120.745 and 200.065, F.S.; conforming
7 cross-references; repealing s. 403.7032(3), F.S.,
8 relating to recycling; deleting a reporting
9 requirement; amending s. 1002.20, F.S.; conforming a
10 cross-reference; repealing s. 1002.23(6), F.S.,
11 relating to the Family and School Partnership for
12 Student Achievement Act; deleting a provision that
13 requires each school district to submit a copy of
14 rules to the Department of Education by a specified
15 date; repealing s. 1002.31(6), F.S., relating to
16 public school parental choice; deleting a provision
17 that requires a school district to submit a controlled
18 open enrollment plan to the Commissioner of Education;
19 deleting reporting requirements for the commissioner;
20 amending s. 1002.37, F.S.; requiring that full-time
21 equivalent student credit completed through the
22 Florida Virtual School's franchises and school
23 district virtual instruction schools and programs be
24 reported to the Department of Education and be funded
25 through the Florida Education Finance Program;
26 repealing s. 1003.4285, F.S., relating to standard
27 high school diploma designations; amending s.
28 1003.453, F.S.; deleting a provision that requires
29 each school district to send an updated copy of its

6-01204A-12

20121798

30 wellness policy and physical education policy to the
31 Department of Education when a change or revision is
32 made; repealing s. 1003.53(3), F.S., relating to
33 dropout prevention and academic intervention; deleting
34 provisions that require each school district receiving
35 state funding for dropout prevention and intervention
36 programs to submit an annual report to the Department
37 of Education; repealing s. 1003.61, F.S., relating to
38 the pilot attendance project; amending s. 1003.621,
39 F.S.; conforming a cross-reference; repealing s.
40 1006.02, F.S., relating to the provision of
41 information to students and parents regarding school-
42 to-work transition; repealing s. 1006.025, F.S.,
43 relating to guidance services; repealing s.
44 1006.07(6), F.S., relating to the duties of district
45 school boards regarding student discipline and school
46 safety; deleting provisions that require each school
47 district to use the Safety and Security Best Practices
48 developed by the Office of Program Policy Analysis and
49 Government Accountability to conduct a self-assessment
50 and to report the findings of the self-assessment to
51 the Commissioner of Education; amending s. 1011.61,
52 F.S.; providing that students who are enrolled in the
53 Florida Virtual School's franchises and school
54 district virtual instruction schools and programs for
55 a specified period are full-time equivalent students
56 for funding purposes; amending s. 1011.62, F.S.;
57 deleting provisions relating to the research-based
58 reading instruction allocation for school districts;

6-01204A-12

20121798

59 amending s. 1011.68, F.S.; requiring that the student
60 transportation funding formula be modified when
61 applied to a school district that has a 4-day
62 instructional week; amending s. 1011.71, F.S.;
63 authorizing a district school board to levy more than
64 1.5 mills against the taxable value for school
65 purposes for district schools; authorizing each
66 district school board to use such millage to fund the
67 purchase, lease-purchase, or lease of hardware or
68 software for certain purposes; authorizing a district
69 school board, upon a super majority vote, to levy an
70 additional 0.25 mills for critical capital outlay
71 needs or critical operating needs; conforming cross-
72 references; amending s. 1013.15, F.S.; conforming a
73 cross-reference; amending s. 1013.20, F.S.; revising
74 provisions relating to the standards for relocatables
75 used as classroom space; deleting a provision that
76 requires certain relocatables to be accessible by
77 adequate covered walkways; amending s. 1013.37, F.S.;
78 revising provisions relating to the state uniform
79 building code for public educational facilities
80 construction; providing an effective date.

81
82 Be It Enacted by the Legislature of the State of Florida:

83
84 Section 1. Present subsections (1) through (4) of section
85 120.74, Florida Statutes, are redesignated as subsections (2)
86 through (5), respectively, a new subsection (1) is added to that
87 section, and present subsection (4) of that section is amended,

6-01204A-12

20121798

88 to read:

89 120.74 Agency review, revision, and report.—

90 (1) As used in this section, the term "agency" has the same
91 meaning as provided in s. 120.745(1) (a).

92 (5)~~(4)~~ For the year 2011, the certification required in
93 subsection (3) ~~(2)~~ may omit any information included in the
94 reports provided under s. 120.745. Reporting under subsections
95 (2) ~~(1)~~ and (3) ~~(2)~~ shall be suspended for the year 2013, but
96 required reporting under those subsections shall resume in 2015
97 and biennially thereafter.

98 Section 2. Paragraph (a) of subsection (2) and paragraphs
99 (a) and (b) of subsection (9) of section 120.745, Florida
100 Statutes, are amended to read:

101 120.745 Legislative review of agency rules in effect on or
102 before November 16, 2010.—

103 (2) ENHANCED BIENNIAL REVIEW.—By December 1, 2011, each
104 agency shall complete an enhanced biennial review of the
105 agency's existing rules, which shall include, but is not limited
106 to:

107 (a) Conduct of the review and submission of the report
108 required by s. 120.74 and an explanation of how the agency has
109 accomplished the requirements of s. 120.74(2) ~~120.74(1)~~. This
110 paragraph extends the October 1 deadline provided in s.
111 120.74(3) ~~120.74(2)~~ for the year 2011.

112 (9) EXEMPTION FROM ENHANCED BIENNIAL REVIEW AND COMPLIANCE
113 ECONOMIC REVIEW.—

114 (a) An agency is exempt from subsections (1)-(8) if it has
115 cooperated or cooperates with OFARR in a review of the agency's
116 rules in a manner consistent with Executive Order 2011-01, or

6-01204A-12

20121798

117 any alternative review directed by OFARR; if the agency or OFARR
118 identifies each data collection rule and each revenue rule; and
119 if the information developed thereby becomes publicly available
120 on the Internet by December 1, 2011. Each such agency is exempt
121 from the biennial review required in s. 120.74(3) ~~120.74(2)~~ for
122 the year 2011.

123 (b) For each rule reviewed under this subsection, OFARR may
124 identify whether the rule imposes a significant regulatory cost
125 or economic impact and shall schedule and obtain or direct a
126 reasonable economic estimate of such cost and impact for each
127 rule so identified. A report on each such estimate shall be
128 published on the Internet by December 31, 2013. On or before
129 October 1, 2013, the agency head shall certify in writing to the
130 committee that the agency has completed each economic estimate
131 required under this paragraph, and thereupon the agency is
132 exempt from the biennial review required in s. 120.74(3)
133 ~~120.74(2)~~ for the year 2013.

134 Section 3. Paragraph (a) of subsection (10) of section
135 200.065, Florida Statutes, is amended to read:

136 200.065 Method of fixing millage.—

137 (10) (a) In addition to the notice required in subsection
138 (3), a district school board shall publish a second notice of
139 intent to levy additional taxes under s. 1011.71(2). Such notice
140 shall specify the projects or number of school buses anticipated
141 to be funded by such additional taxes and shall be published in
142 the size, within the time periods, adjacent to, and in
143 substantial conformity with the advertisement required under
144 subsection (3). The projects shall be listed in priority within
145 each category as follows: construction and remodeling;

6-01204A-12

20121798

146 maintenance, renovation, and repair; motor vehicle purchases;
 147 new and replacement equipment; payments for educational
 148 facilities and sites due under a lease-purchase agreement;
 149 payments for renting and leasing educational facilities and
 150 sites; payments of loans approved pursuant to ss. 1011.14 and
 151 1011.15; payment of costs of compliance with environmental
 152 statutes and regulations; payment of premiums for property and
 153 casualty insurance necessary to insure the educational and
 154 ancillary plants of the school district; payment of costs of
 155 leasing relocatable educational facilities; and payments to
 156 private entities to offset the cost of school buses pursuant to
 157 s. 1011.71(2)(j) ~~1011.71(2)(i)~~. The additional notice shall be
 158 in the following form, except that if the district school board
 159 is proposing to levy the same millage under s. 1011.71(2) which
 160 it levied in the prior year, the words "continue to" shall be
 161 inserted before the word "impose" in the first sentence, and
 162 except that the second sentence of the second paragraph shall be
 163 deleted if the district is advertising pursuant to paragraph
 164 (3)(e):

165
 166 NOTICE OF TAX FOR SCHOOL
 167 CAPITAL OUTLAY
 168

169 The ...(name of school district)... will soon consider a
 170 measure to impose a ...(number)... mill property tax for the
 171 capital outlay projects listed herein.

172 This tax is in addition to the school board's proposed tax
 173 of ...(number)... mills for operating expenses and is proposed
 174 solely at the discretion of the school board. THE PROPOSED

6-01204A-12

20121798

175 COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES
176 AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

177 The capital outlay tax will generate approximately
178 \$...(amount)..., to be used for the following projects:

179

180 ... (list of capital outlay projects) ...

181

182 All concerned citizens are invited to a public hearing to
183 be held on ...(date and time)... at ...(meeting place)....

184 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
185 made at this hearing.

186 Section 4. Subsection (3) of section 403.7032, Florida
187 Statutes, is repealed.

188 Section 5. Paragraph (d) of subsection (2) of section
189 1002.20, Florida Statutes, is amended to read:

190 1002.20 K-12 student and parent rights.—Parents of public
191 school students must receive accurate and timely information
192 regarding their child's academic progress and must be informed
193 of ways they can help their child to succeed in school. K-12
194 students and their parents are afforded numerous statutory
195 rights including, but not limited to, the following:

196 (2) ATTENDANCE.—

197 (d) *Dropout prevention and academic intervention programs.*—

198 The parent of a public school student has the right to receive
199 written notice by certified mail before ~~prior to~~ placement of
200 the student in a dropout prevention and academic intervention
201 program and shall be notified in writing and entitled to an
202 administrative review of any action by school personnel relating
203 to the student's placement, in accordance with the provisions of

6-01204A-12

20121798

204 s. 1003.53(4) ~~1003.53(5)~~.

205 Section 6. Subsection (6) of section 1002.23, Florida
206 Statutes, is repealed.

207 Section 7. Subsection (6) of section 1002.31, Florida
208 Statutes, is repealed.

209 Section 8. Paragraph (b) of subsection (3) of section
210 1002.37, Florida Statutes, is amended to read:

211 1002.37 The Florida Virtual School.—

212 (3) Funding for the Florida Virtual School shall be
213 provided as follows:

214 (b) Full-time equivalent student credit completed through
215 the Florida Virtual School and its franchises and school
216 district virtual instruction schools and programs, including
217 credits completed during the summer, shall be reported to the
218 Department of Education in the manner prescribed by the
219 department and shall be funded through the Florida Education
220 Finance Program.

221 Section 9. Section 1003.4285, Florida Statutes, is
222 repealed.

223 Section 10. Subsection (1) of section 1003.453, Florida
224 Statutes, is amended to read:

225 1003.453 School wellness and physical education policies;
226 nutrition guidelines.—

227 (1) By September 1, 2006, each school district shall submit
228 to the Department of Education a copy of its school wellness
229 policy as required by the Child Nutrition and WIC
230 Reauthorization Act of 2004 and a copy of its physical education
231 policy required under s. 1003.455. Each school district shall
232 annually review its school wellness policy and physical

6-01204A-12

20121798

233 education policy and provide a procedure for public input and
234 revisions. ~~In addition, each school district shall send an~~
235 ~~updated copy of its wellness policy and physical education~~
236 ~~policy to the department when a change or revision is made.~~

237 Section 11. Subsection (3) of section 1003.53, Florida
238 Statutes, is repealed.

239 Section 12. Section 1003.61, Florida Statutes, is repealed.

240 Section 13. Paragraph (g) of subsection (2) of section
241 1003.621, Florida Statutes, is amended to read:

242 1003.621 Academically high-performing school districts.—It
243 is the intent of the Legislature to recognize and reward school
244 districts that demonstrate the ability to consistently maintain
245 or improve their high-performing status. The purpose of this
246 section is to provide high-performing school districts with
247 flexibility in meeting the specific requirements in statute and
248 rules of the State Board of Education.

249 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
250 high-performing school district shall comply with all of the
251 provisions in chapters 1000-1013, and rules of the State Board
252 of Education which implement these provisions, pertaining to the
253 following:

254 (g) Those statutes pertaining to planning and budgeting,
255 including chapter 1011, ~~except s. 1011.62(9)(d), relating to the~~
256 ~~requirement for a comprehensive reading plan. A district that is~~
257 ~~exempt from submitting this plan shall be deemed approved to~~
258 ~~receive the research-based reading instruction allocation.~~

259 Section 14. Section 1006.02, Florida Statutes, is repealed.

260 Section 15. Section 1006.025, Florida Statutes, is
261 repealed.

6-01204A-12

20121798

262 Section 16. Subsection (6) of section 1006.07, Florida
263 Statutes, is repealed.

264 Section 17. Paragraph (c) of subsection (1) of section
265 1011.61, Florida Statutes, is amended to read:

266 1011.61 Definitions.—Notwithstanding the provisions of s.
267 1000.21, the following terms are defined as follows for the
268 purposes of the Florida Education Finance Program:

269 (1) A “full-time equivalent student” in each program of the
270 district is defined in terms of full-time students and part-time
271 students as follows:

272 (c)1. A “full-time equivalent student” is:

273 a. A full-time student in any one of the programs listed in
274 s. 1011.62(1)(c); or

275 b. A combination of full-time or part-time students in any
276 one of the programs listed in s. 1011.62(1)(c) which is the
277 equivalent of one full-time student based on the following
278 calculations:

279 (I) A full-time student in a combination of programs listed
280 in s. 1011.62(1)(c) shall be a fraction of a full-time
281 equivalent membership in each special program equal to the
282 number of net hours per school year for which he or she is a
283 member, divided by the appropriate number of hours set forth in
284 subparagraph (a)1. or subparagraph (a)2. The difference between
285 that fraction or sum of fractions and the maximum value as set
286 forth in subsection (4) for each full-time student is presumed
287 to be the balance of the student’s time not spent in such
288 special education programs and shall be recorded as time in the
289 appropriate basic program.

290 (II) A prekindergarten handicapped student shall meet the

6-01204A-12

20121798

291 requirements specified for kindergarten students.

292 (III) A full-time equivalent student for students in
293 kindergarten through grade 5 in a virtual instruction program
294 under s. 1002.45 or a virtual charter school under s. 1002.33
295 shall consist of a student who has successfully completed a
296 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
297 promoted to a higher grade level.

298 (IV) A full-time equivalent student for students in grades
299 6 through 12 in a virtual instruction program under s.
300 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.
301 1002.33 shall consist of six full credit completions in programs
302 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions
303 may be a combination of full-credit courses or half-credit
304 courses. Beginning in the 2014-2015 fiscal year, when s.
305 1008.22(3)(g) is implemented, the reported full-time equivalent
306 students and associated funding of students enrolled in courses
307 requiring passage of an end-of-course assessment shall be
308 adjusted after the student completes the end-of-course
309 assessment.

310 (V) A Florida Virtual School full-time equivalent student
311 shall consist of six full credit completions or the prescribed
312 level of content that counts toward promotion to the next grade
313 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
314 kindergarten through grade 8 and the programs listed in s.
315 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
316 may be a combination of full-credit courses or half-credit
317 courses. Beginning in the 2014-2015 fiscal year, when s.
318 1008.22(3)(g) is implemented, the reported full-time equivalent
319 students and associated funding of students enrolled in courses

6-01204A-12

20121798

320 requiring passage of an end-of-course assessment shall be
321 adjusted after the student completes the end-of-course
322 assessment.

323 (VI) Each successfully completed full-credit course earned
324 through an online course delivered by a district other than the
325 one in which the student resides shall be calculated as 1/6 FTE.

326 (VII) Each successfully completed credit earned under the
327 alternative high school course credit requirements authorized in
328 s. 1002.375, which is not reported as a portion of the 900 net
329 hours of instruction pursuant to subparagraph (1)(a)1., shall be
330 calculated as 1/6 FTE.

331 2. A student in membership in a program scheduled for more
332 or less than 180 school days or the equivalent on an hourly
333 basis as specified by rules of the State Board of Education is a
334 fraction of a full-time equivalent membership equal to the
335 number of instructional hours in membership divided by the
336 appropriate number of hours set forth in subparagraph (a)1.;
337 however, for the purposes of this subparagraph, membership in
338 programs scheduled for more than 180 days is limited to students
339 enrolled in juvenile justice education programs, ~~and~~ the Florida
340 Virtual School and its franchises, and school district virtual
341 instruction schools and programs.

342
343 The department shall determine and implement an equitable method
344 of equivalent funding for experimental schools and for schools
345 operating under emergency conditions, which schools have been
346 approved by the department to operate for less than the minimum
347 school day.

348 Section 18. Paragraph (d) of subsection (6) and paragraphs

6-01204A-12

20121798

349 (c) and (d) of subsection (9) of section 1011.62, Florida
350 Statutes, are amended to read:

351 1011.62 Funds for operation of schools.—If the annual
352 allocation from the Florida Education Finance Program to each
353 district for operation of schools is not determined in the
354 annual appropriations act or the substantive bill implementing
355 the annual appropriations act, it shall be determined as
356 follows:

357 (6) CATEGORICAL FUNDS.—

358 (d) If a district school board transfers funds from its
359 research-based reading instruction allocation, the board must
360 also submit to the Department of Education an amendment
361 describing the changes that the district is making to its
362 reading plan ~~approved pursuant to paragraph (9)(d).~~

363 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

364 (c) Funds allocated under this subsection must be used to
365 provide a system of comprehensive reading instruction to
366 students enrolled in the K-12 programs, ~~which may include the~~
367 ~~following:~~

368 ~~1. The provision of highly qualified reading coaches.~~

369 ~~2. Professional development for school district teachers in~~
370 ~~scientifically based reading instruction, including strategies~~
371 ~~to teach reading in content areas and with an emphasis on~~
372 ~~technical and informational text.~~

373 ~~3. The provision of summer reading camps for students who~~
374 ~~score at Level 1 on FCAT Reading.~~

375 ~~4. The provision of supplemental instructional materials~~
376 ~~that are grounded in scientifically based reading research.~~

377 ~~5. The provision of intensive interventions for middle and~~

6-01204A-12

20121798

378 ~~high school students reading below grade level.~~

379 ~~(d) Annually, by a date determined by the Department of~~
380 ~~Education but before May 1, school districts shall submit a K-12~~
381 ~~comprehensive reading plan for the specific use of the research-~~
382 ~~based reading instruction allocation in the format prescribed by~~
383 ~~the department for review and approval by the Just Read,~~
384 ~~Florida! Office created pursuant to s. 1001.215. The plan~~
385 ~~annually submitted by school districts shall be deemed approved~~
386 ~~unless the department rejects the plan on or before June 1. If a~~
387 ~~school district and the Just Read, Florida! Office cannot reach~~
388 ~~agreement on the contents of the plan, the school district may~~
389 ~~appeal to the State Board of Education for resolution. School~~
390 ~~districts shall be allowed reasonable flexibility in designing~~
391 ~~their plans and shall be encouraged to offer reading remediation~~
392 ~~through innovative methods, including career academies. The plan~~
393 ~~format shall be developed with input from school district~~
394 ~~personnel, including teachers and principals, and shall allow~~
395 ~~courses in core, career, and alternative programs that deliver~~
396 ~~intensive reading remediation through integrated curricula,~~
397 ~~provided that the teacher is deemed highly qualified to teach~~
398 ~~reading or working toward that status. No later than July 1~~
399 ~~annually, the department shall release the school district's~~
400 ~~allocation of appropriated funds to those districts having~~
401 ~~approved plans. A school district that spends 100 percent of~~
402 ~~this allocation on its approved plan shall be deemed to have~~
403 ~~been in compliance with the plan. The department may withhold~~
404 ~~funds upon a determination that reading instruction allocation~~
405 ~~funds are not being used to implement the approved plan.~~

406 Section 19. Subsection (7) is added to section 1011.68,

6-01204A-12

20121798

407 Florida Statutes, to read:

408 1011.68 Funds for student transportation.—The annual
409 allocation to each district for transportation to public school
410 programs, including charter schools as provided in s.
411 1002.33(17)(b), of students in membership in kindergarten
412 through grade 12 and in migrant and exceptional student programs
413 below kindergarten shall be determined as follows:

414 (7) The student transportation formula provided in
415 subsection (2) shall be modified when applied to a school
416 district that implements a 4-day instructional week.

417 Section 20. Subsections (2), (3), (4), and (5) of section
418 1011.71, Florida Statutes, are amended to read:

419 1011.71 District school tax.—

420 (2) In addition to the maximum millage levy as provided in
421 subsection (1), each school board may levy ~~not~~ more than 1.5
422 mills against the taxable value for school purposes for district
423 schools, including charter schools at the discretion of the
424 school board, to fund:

425 (a) New construction and remodeling projects, as set forth
426 in s. 1013.64(3)(b) and (6)(b) and included in the district's
427 educational plant survey pursuant to s. 1013.31, without regard
428 to prioritization, sites and site improvement or expansion to
429 new sites, existing sites, auxiliary facilities, athletic
430 facilities, or ancillary facilities.

431 (b) Maintenance, renovation, and repair of existing school
432 plants or of leased facilities to correct deficiencies pursuant
433 to s. 1013.15(2).

434 (c) The purchase, lease-purchase, or lease of school buses.

435 (d) The purchase, lease-purchase, or lease of new and

6-01204A-12

20121798

436 replacement equipment; computer hardware, including electronic
437 hardware and other hardware devices necessary for gaining access
438 to or enhancing the use of electronic content and resources ~~or~~
439 to facilitate the access to and the use of a school district's
440 electronic learning management system pursuant to s. 1006.281,
441 excluding software other than the operating system necessary to
442 operate the hardware or device; and enterprise resource software
443 applications that are classified as capital assets in accordance
444 with definitions of the Governmental Accounting Standards Board,
445 have a useful life of at least 5 years, and are used to support
446 districtwide administration or state-mandated reporting
447 requirements.

448 (e) The purchase, lease-purchase, or lease of new and
449 replacement hardware and software required to operate a computer
450 or digital instructional device to meet state and district
451 assessment, reporting, and instructional requirements.

452 (f)~~(e)~~ Payments for educational facilities and sites due
453 under a lease-purchase agreement entered into by a district
454 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
455 exceeding, in the aggregate, an amount equal to three-fourths of
456 the proceeds from the millage levied by a district school board
457 pursuant to this subsection. For the 2009-2010 fiscal year, the
458 three-fourths limit is waived for lease-purchase agreements
459 entered into before June 30, 2009, by a district school board
460 pursuant to this paragraph.

461 (g)~~(f)~~ Payment of loans approved pursuant to ss. 1011.14
462 and 1011.15.

463 (h)~~(g)~~ Payment of costs directly related to complying with
464 state and federal environmental statutes, rules, and regulations

6-01204A-12

20121798

465 governing school facilities.

466 (i)~~(h)~~ Payment of costs of leasing relocatable educational
467 facilities, of renting or leasing educational facilities and
468 sites pursuant to s. 1013.15(2), or of renting or leasing
469 buildings or space within existing buildings pursuant to s.
470 1013.15(4).

471 (j)~~(i)~~ Payment of the cost of school buses when a school
472 district contracts with a private entity to provide student
473 transportation services if the district meets the requirements
474 of this paragraph.

475 1. The district's contract must require that the private
476 entity purchase, lease-purchase, or lease, and operate and
477 maintain, one or more school buses of a specific type and size
478 that meet the requirements of s. 1006.25.

479 2. Each such school bus must be used for the daily
480 transportation of public school students in the manner required
481 by the school district.

482 3. Annual payment for each such school bus may not exceed
483 10 percent of the purchase price of the state pool bid.

484 4. The proposed expenditure of the funds for this purpose
485 must have been included in the district school board's notice of
486 proposed tax for school capital outlay as provided in s.
487 200.065(10).

488 (k)~~(j)~~ Payment of the cost of the opening day collection
489 for the library media center of a new school.

490 (3) (a) Notwithstanding subsection (2), if the revenue from
491 1.5 mills is insufficient to meet the payments due under a
492 lease-purchase agreement entered into before June 30, 2009, by a
493 district school board pursuant to paragraph (2) (f) ~~(2) (e)~~, or to

6-01204A-12

20121798

494 meet other critical district fixed capital outlay needs, the
495 board, in addition to the 1.5 mills, may levy up to 0.25 mills
496 for fixed capital outlay in lieu of levying an equivalent amount
497 of the discretionary mills for operations as provided in the
498 General Appropriations Act. Millage levied pursuant to this
499 subsection is subject to the provisions of s. 200.065 and,
500 combined with the 1.5 mills authorized in subsection (2), may
501 not exceed 1.75 mills. If the district chooses to use up to 0.25
502 mills for fixed capital outlay, the compression adjustment
503 pursuant to s. 1011.62(5) shall be calculated for the standard
504 discretionary millage that is not eligible for transfer to
505 capital outlay.

506 (b) Local funds generated by the additional 0.25 mills
507 authorized in paragraph (b) and state funds provided pursuant to
508 s. 1011.62(5) may not be included in the calculation of the
509 Florida Education Finance Program in 2011-2012 or any subsequent
510 year and may not be incorporated in the calculation of any hold-
511 harmless or other component of the Florida Education Finance
512 Program in any year, except as provided in paragraph (d).

513 (c) For the 2011-2012 and 2012-2013 fiscal years, the 0.25
514 mills authorized in paragraph (b) may be levied by the districts
515 in which it was authorized by the voters in the 2010 general
516 election. If a district levies this voter-approved 0.25 mills
517 for operations, a compression adjustment pursuant to s.
518 1011.62(5) may be calculated and added to the district's Florida
519 Education Finance Program allocation, subject to determination
520 in the General Appropriations Act.

521 (d) In addition to the millage authorized in this section,
522 each district school board may, upon a super majority vote, levy

6-01204A-12

20121798

523 an additional 0.25 mills for critical capital outlay needs or
524 for critical operating needs. If levied for capital outlay,
525 expenditures are subject to the requirements of this section. If
526 levied for operations, expenditures must be consistent with the
527 requirements for operating funds received pursuant to s.
528 1011.62. If the district levies the additional 0.25 mills for
529 operations, the compression adjustment pursuant to s. 1011.62(5)
530 shall be calculated and added to the district's FEFP allocation.
531 Millage levied pursuant to this paragraph is subject to the
532 provisions of s. 200.065. Those districts that levy 0.25 mills
533 by a super majority vote after approval in a voter referendum
534 may not levy an additional 0.25 mills under this paragraph in
535 the 2012-2013 fiscal year.

536 (4) If the revenue from the millage authorized in
537 subsection (2) is insufficient to make payments due under a
538 lease-purchase agreement entered into prior to June 30, 2008, by
539 a district school board pursuant to paragraph (2) (f) ~~(2) (e)~~, an
540 amount up to 0.5 mills of the taxable value for school purposes
541 within the school district shall be legally available for such
542 payments, notwithstanding other restrictions on the use of such
543 revenues imposed by law.

544 (5) Effective July 1, 2008, a school district may expend,
545 subject to the provisions of s. 200.065, up to \$100 per
546 unweighted full-time equivalent student from the revenue
547 generated by the millage levy authorized by subsection (2) to
548 fund, in addition to expenditures authorized in paragraphs
549 (2) (a) - (k) ~~(2) (a) - (j)~~, expenses for the following:

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

6-01204A-12

20121798

552 operation of plants and equipment; security vehicles; or
553 vehicles used in storing or distributing materials and
554 equipment.

555 (b) Payment of the cost of premiums, as defined in s.
556 627.403, for property and casualty insurance necessary to insure
557 school district educational and ancillary plants. As used in
558 this paragraph, casualty insurance has the same meaning as in s.
559 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that
560 are made available through the payment of property and casualty
561 insurance premiums from revenues generated under this subsection
562 may be expended only for nonrecurring operational expenditures
563 of the school district.

564 Section 21. Paragraph (b) of subsection (2) of section
565 1013.15, Florida Statutes, is amended to read:

566 1013.15 Lease, rental, and lease-purchase of educational
567 facilities and sites.—

568 (2)

569 (b) A board is authorized to lease-purchase educational
570 facilities and sites as defined in s. 1013.01. The lease-
571 purchase of educational facilities and sites shall be as
572 required by s. 1013.37, shall be advertised for and receive
573 competitive proposals and be awarded to the best proposer, and
574 shall be funded using current or other funds specifically
575 authorized by law to be used for such purpose.

576 1. A district school board, by itself, or through a direct-
577 support organization formed pursuant to s. 1001.453 or nonprofit
578 educational organization or a consortium of district school
579 boards, may, in developing a lease-purchase of educational
580 facilities and sites provide for separately advertising for and

6-01204A-12

20121798

581 receiving competitive bids or proposals on the construction of
582 facilities and the selection of financing to provide the lowest
583 cost funding available, so long as the board determines that
584 such process would best serve the public interest and the
585 pledged revenues are limited to those authorized in s.
586 1011.71(2)(f) ~~1011.71(2)(e)~~.

587 2. All activities and information, including lists of
588 individual participants, associated with agreements made
589 pursuant to this section are ~~shall be~~ subject to the provisions
590 of chapter 119 and s. 286.011.

591 Section 22. Subsection (1) of section 1013.20, Florida
592 Statutes, is amended to read:

593 1013.20 Standards for relocatables used as classroom space;
594 inspections.-

595 (1) The State Board of Education shall adopt rules
596 establishing standards for relocatables intended for long-term
597 use as classroom space at a public elementary school, middle
598 school, or high school. The term "long-term use" means the use
599 of relocatables at the same educational plant for a period of 4
600 years or more. Each relocatable acquired by a district school
601 board after the effective date of the rules and intended for
602 long-term use must comply with the standards. District school
603 boards shall submit a plan for the use of existing relocatables
604 within the 5-year work program to be reviewed and approved by
605 the commissioner by January 1, 2003. A progress report shall be
606 provided by the commissioner to the Speaker of the House of
607 Representatives and the President of the Senate each January
608 thereafter. Relocatables that fail to meet the standards after
609 completion of the approved plan may not be used as classrooms.

6-01204A-12

20121798

610 The standards shall protect the health, safety, and welfare of
611 occupants by requiring compliance with the Florida Building Code
612 or the State Requirements for Educational Facilities for
613 existing relocatables, as applicable, to ensure the safety and
614 stability of construction and onsite installation; fire and
615 moisture protection; air quality and ventilation; appropriate
616 wind resistance; and compliance with the requirements of the
617 Americans with Disabilities Act of 1990. If appropriate and
618 where relocatables are not scheduled for replacement, the
619 standards must also require relocatables to provide access to
620 the same technologies available to similar classrooms within the
621 main school facility ~~and, if appropriate, and where relocatables~~
622 ~~are not scheduled for replacement, to be accessible by adequate~~
623 ~~covered walkways.~~ A relocatable that is subject to this section
624 and does not meet the standards shall not be reported as
625 providing satisfactory student stations in the Florida Inventory
626 of School Houses.

627 Section 23. Paragraph (e) of subsection (1) of section
628 1013.37, Florida Statutes, is amended to read:

629 1013.37 State uniform building code for public educational
630 facilities construction.—

631 (1) UNIFORM BUILDING CODE.—A uniform statewide building
632 code for the planning and construction of public educational and
633 ancillary plants by district school boards and Florida College
634 System institution district boards of trustees shall be adopted
635 by the Florida Building Commission within the Florida Building
636 Code, pursuant to s. 553.73. Included in this code must be flood
637 plain management criteria in compliance with the rules and
638 regulations in 44 C.F.R. parts 59 and 60, and subsequent

6-01204A-12

20121798

639 revisions thereto which are adopted by the Federal Emergency
640 Management Agency. It is also the responsibility of the
641 department to develop, as a part of the uniform building code,
642 standards relating to:

643 (e) The performance of life-cycle cost analyses on
644 alternative architectural and engineering designs to evaluate
645 their energy efficiencies.

646 1. The life-cycle cost analysis must consist of the sum of:

647 a. The reasonably expected fuel costs over the life of the
648 building which are required to maintain illumination, water
649 heating, temperature, humidity, ventilation, and all other
650 energy-consuming equipment in a facility; and

651 b. The reasonable costs of probable maintenance, including
652 labor and materials, and operation of the building.

653 2. For computation of the life-cycle costs, the department
654 shall develop standards that must include, but need not be
655 limited to:

656 a. The orientation and integration of the facility with
657 respect to its physical site.

658 b. The amount and type of glass employed in the facility
659 and the directions of exposure.

660 c. The effect of insulation incorporated into the facility
661 design and the effect on solar utilization of the properties of
662 external surfaces.

663 d. The variable occupancy and operating conditions of the
664 facility and subportions of the facility.

665 e. An energy-consumption analysis of the major equipment of
666 the facility's heating, ventilating, and cooling system;
667 lighting system; and hot water system and all other major

6-01204A-12

20121798

668 energy-consuming equipment and systems as appropriate.

669 3. Life-cycle cost criteria published by the Department of
670 Education for use in evaluating projects.

671 4. Standards for construction materials and systems based
672 on life-cycle costs that consider initial costs, maintenance
673 costs, custodial costs, operating costs, and life expectancy.
674 The standards may include multiple acceptable materials. It is
675 the intent of the Legislature to require district school boards
676 to comply with these standards when expending funds from the
677 Public Education Capital Outlay and Debt Service Trust Fund or
678 the School District and Community College District Capital
679 Outlay and Debt Service Trust Fund and to prohibit district
680 school boards from expending local capital outlay revenues for
681 any project that includes materials or systems that do not
682 comply with these standards, unless the district school board
683 submits evidence that alternative design or design-build plans,
684 materials, or systems meet or exceed standards developed by the
685 department or provide demonstrable cost savings without
686 mitigating life-safety standards.

687
688 It is not a purpose of the Florida Building Code to inhibit the
689 use of new materials or innovative techniques; nor may it
690 specify or prohibit materials by brand names. The code must be
691 flexible enough to cover all phases of construction so as to
692 afford reasonable protection for the public safety, health, and
693 general welfare. The department may secure the service of other
694 state agencies or such other assistance as it finds desirable in
695 recommending to the Florida Building Commission revisions to the
696 code.

6-01204A-12

20121798__

697

Section 24. This act shall take effect July 1, 2012.