

602-2406E-07

Proposed Committee Substitute by the Committee on Education
Pre-K - 12 Appropriations

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A bill to be entitled

An act relating to school districts; creating
s. 1003.621, F.S.; providing criteria for
designating academically high-performing school
districts; providing exceptions for such
districts to be exempt from certain statutes
and rules; providing compliance requirements;
providing for district governing boards;
providing for reports; providing for a review
by the State Board of Education of certain
reporting requirements; amending s. 200.065,
F.S.; providing for notice concerning property
and casualty insurance costs; amending s.
1011.71, F.S., relating to the district school
tax; providing criteria for using funds;
authorizing the use of funds for specified
purposes; eliminating restrictions on the use
of funds; providing an effective date.

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

Section 1. Section 1003.621, Florida Statutes, is
created to read:

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

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1 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

2 (a) A school district is an academically
3 high-performing school district if it meets the following
4 criteria:

5 1.a. Beginning with the 2004-2005 school year, earns a
6 grade of "A," under s. 1008.34(7) for 2 consecutive years; and

7 b. Has no district-operated school that earns a grade
8 of "F" under s. 1008.34;

9 2. Complies with all class size requirements in s. 1,
10 Art. IX, of the State Constitution and s. 1003.03; and

11 3. Has no material weaknesses or instances of material
12 noncompliance noted in the annual financial audit conducted
13 pursuant to s. 218.39.

14 (b) Each school district that satisfies the
15 eligibility criteria in this subsection shall be designated by
16 the State Board of Education as an academically
17 high-performing school district. With the exception of the
18 statutes listed in subsection (2), upon designation as an
19 academically high-performing school district, each such
20 district is exempt from the provisions in chapters 1000
21 through 1013 which pertain to school districts and rules of
22 the State Board of Education which implement these exempt
23 provisions. This exemption remains in effect during the time
24 of the designation if the district continues to meet all
25 eligibility criteria.

26 (c) The academically high-performing school district
27 shall retain the designation as a high-performing school
28 district for 3 years, at the end of which time the district
29 may renew the designation if the district meets the
30 requirements in this section. A school district that fails to
31 meet the requirements in this section shall provide written

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1 notification to the State Board of Education that the district
2 is no longer eligible to be designated as an academically
3 high-performing school district.

4 (d) In order to maintain the designation as an
5 academically high-performing school district pursuant to this
6 section, a school district must meet the following
7 requirements:

8 1. Comply with the provisions of subparagraphs(a)2.
9 and 3.; and

10 2. Earn a grade of "A" under s. 1008.34(7) for 2 years
11 within a 3-year period.

12
13 However, a district in which a district-operated school earns
14 a grade of "F" under s. 1008.34 during the 3-year period may
15 not continue to be designated as an academically
16 high-performing school district during the remainder of that
17 3-year period. The district must meet the criteria in
18 paragraph (a) in order to be redesignated as an academically
19 high-performing school district.

20 (2) COMPLIANCE WITH STATUTES AND RULES.--Each
21 academically high-performing school district shall comply with
22 all of the provisions in chapters 1000 through 1013 and rules
23 of the State Board of Education which implement these
24 provisions pertaining to the following:

25 (a) Those statutes pertaining to the provision of
26 services to students with disabilities.

27 (b) Those statutes pertaining to civil rights,
28 including s. 1000.05, relating to discrimination.

29 (c) Those statutes pertaining to student health,
30 safety, and welfare.

31 (d) Those statutes governing the election or

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1 compensation of district school board members.

2 (e) Those statutes pertaining to the student
3 assessment program and the school grading system, including
4 chapter 1008.

5 (f) Those statutes pertaining to financial matters,
6 including chapter 1010, except that s. 1010.20(3)(a)1., 2.,
7 and 3., relating to the required program expenditure levels,
8 are eligible for exemption.

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

15 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
16 differentiated pay and performance-pay policies for school
17 administrators and instructional personnel. Professional
18 service contracts are subject to the provisions of ss. 1012.33
19 and 1012.34.

20 (i) Those statutes pertaining to educational
21 facilities, including chapter 1013, except that s. 1013.20,
22 relating to covered walkways for portables, and s. 1013.21,
23 relating to the use of relocatable facilities that exceed 20
24 years of age, are eligible for exemption.

25 (j) Those statutes relating to instructional
26 materials, except that s. 1006.37, relating to the requisition
27 of state-adopted materials from the depository under contract
28 with the publisher, and s. 1006.40(3)(a), relating to the use
29 of 50 percent of the instructional materials allocation, shall
30 be eligible for exemption.

31 (k) Section 1003.621, relating to academically

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1 high-performing school districts.

2 (3) GOVERNING BOARD.--The governing board of the
3 academically high-performing school district shall be the duly
4 elected district school board. The district school board shall
5 supervise the academically high-performing school district.

6 (4) REPORTS.--The academically high-performing school
7 district shall submit to the State Board of Education and the
8 Legislature an annual report on December 1 which delineates
9 the performance of the school district relative to the
10 academic performance of students at each grade level in
11 reading, writing, mathematics, science, and any other subject
12 that is included as a part of the statewide assessment program
13 in s. 1008.22. The annual report shall be submitted in a
14 format prescribed by the Department of Education and shall
15 include, but need not be limited to, the following:

16 (a) Longitudinal performance of students in
17 mathematics, reading, writing, science, and any other subject
18 that is included as a part of the statewide assessment program
19 in s. 1008.22;

20 (b) Longitudinal performance of students by grade
21 level and subgroup in mathematics, reading, writing, science,
22 and any other subject that is included as a part of the
23 statewide assessment program in s. 1008.22;

24 (c) Longitudinal performance regarding efforts to
25 close the achievement gap;

26 (d)1. Number and percentage of students who take an
27 Advanced Placement Examination; and

28 2. Longitudinal performance regarding students who
29 take an Advanced Placement Examination by demographic group,
30 specifically by age, gender, race, and Hispanic origin, and by
31 participation in the National School Lunch Program.

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- 1 (e) Evidence of compliance with subsection (1); and
- 2 (f) A description of each waiver and the status of
- 3 each waiver.

4 Section 2. The State Board of Education shall identify
 5 any reporting requirements in state law which duplicate the
 6 requirements for reporting under the federal No Child Left
 7 Behind Act and make recommendations to the Legislature by
 8 December 1, 2007, for eliminating duplicative requirements in
 9 state law.

10 Section 3. Paragraph (a) of subsection (9) of section
 11 200.065, Florida Statutes, is amended to read:

12 200.065 Method of fixing millage.--

13 (9)(a) In addition to the notice required in
 14 subsection (3), a district school board shall publish a second
 15 notice of intent to levy additional taxes under s. 1011.71(2).
 16 Such notice shall specify the projects or number of school
 17 buses anticipated to be funded by such additional taxes and
 18 shall be published in the size, within the time periods,
 19 adjacent to, and in substantial conformity with the
 20 advertisement required under subsection (3). The projects
 21 shall be listed in priority within each category as follows:
 22 construction and remodeling; maintenance, renovation, and
 23 repair; motor vehicle purchases; new and replacement
 24 equipment; payments for educational facilities and sites due
 25 under a lease-purchase agreement; payments for renting and
 26 leasing educational facilities and sites; payments of loans
 27 approved pursuant to ss. 1011.14 and 1011.15; payment of costs
 28 of compliance with environmental statutes and regulations;
 29 payment of premiums for property and casualty insurance
 30 necessary to insure the educational and ancillary plants of
 31 the school district; payment of costs of leasing relocatable

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1 educational facilities; and payments to private entities to
 2 offset the cost of school buses pursuant to s. 1011.71(2)(i).
 3 The additional notice shall be in the following form, except
 4 that if the district school board is proposing to levy the
 5 same millage under s. 1011.71(2) which it levied in the prior
 6 year, the words "continue to" shall be inserted before the
 7 word "impose" in the first sentence, and except that the
 8 second sentence of the second paragraph shall be deleted if
 9 the district is advertising pursuant to paragraph (3)(e):

NOTICE OF TAX FOR SCHOOL

CAPITAL OUTLAY

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

17 This tax is in addition to the school board's proposed
 18 tax of ...(number)... mills for operating expenses and is
 19 proposed solely at the discretion of the school board. THE
 20 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING
 21 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

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

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

26
 27 All concerned citizens are invited to a public hearing
 28 to be held on ...(date and time)... at ...(meeting place)....

29 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
 30 made at this hearing.

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1 Section 4. Section 1011.71, Florida Statutes, is
2 amended to read:

3 1011.71 District school tax.--

4 (1) If the district school tax is not provided in the
5 General Appropriations Act or the substantive bill
6 implementing the General Appropriations Act, each district
7 school board desiring to participate in the state allocation
8 of funds for current operation as prescribed by s. 1011.62(11)
9 ~~s. 1011.62(10)~~ shall levy on the taxable value for school
10 purposes of the district, exclusive of millage voted under the
11 provisions of s. 9(b) or s. 12, Art. VII of the State
12 Constitution, a millage rate not to exceed the amount
13 certified by the commissioner as the minimum millage rate
14 necessary to provide the district required local effort for
15 the current year, pursuant to s. 1011.62(4)(a)1. In addition
16 to the required local effort millage levy, each district
17 school board may levy a nonvoted current operating
18 discretionary millage. The Legislature shall prescribe
19 annually in the appropriations act the maximum amount of
20 millage a district may levy.

21 (2) In addition to the maximum millage levy as
22 provided in subsection (1), each school board may levy not
23 more than 2 mills against the taxable value for school
24 purposes for district schools, including charter schools at
25 the discretion of the school board, to fund:

26 (a) New construction and remodeling projects, as set
27 forth in s. 1013.64(3)(b) and (6)(b) and included in the
28 district's educational plant survey pursuant to s. 1013.31,
29 without regard to prioritization, sites and site improvement
30 or expansion to new sites, existing sites, auxiliary
31 facilities, athletic facilities, or ancillary facilities.

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

4 (c) The purchase, lease-purchase, or lease of school
5 buses; ~~drivers' education vehicles; motor vehicles used for~~
6 ~~the maintenance or operation of plants and equipment; security~~
7 ~~vehicles; or vehicles used in storing or distributing~~
8 ~~materials and equipment.~~

9 (d) The purchase, lease-purchase, or lease of new and
10 replacement equipment.

11 (e) Payments for educational facilities and sites due
12 under a lease-purchase agreement entered into by a district
13 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),
14 not exceeding, in the aggregate, an amount equal to
15 three-fourths of the proceeds from the millage levied by a
16 district school board pursuant to this subsection.

17 (f) Payment of loans approved pursuant to ss. 1011.14
18 and 1011.15.

19 (g) Payment of costs directly related to complying
20 with state and federal environmental statutes, rules, and
21 regulations governing school facilities.

22 (h) Payment of costs of leasing relocatable
23 educational facilities, of renting or leasing educational
24 facilities and sites pursuant to s. 1013.15(2), or of renting
25 or leasing buildings or space within existing buildings
26 pursuant to s. 1013.15(4).

27 (i) Payment of the cost of school buses when a school
28 district contracts with a private entity to provide student
29 transportation services if the district meets the requirements
30 of this paragraph.

31 1. The district's contract must require that the

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1 private entity purchase, lease-purchase, or lease, and operate
2 and maintain, one or more school buses of a specific type and
3 size that meet the requirements of s. 1006.25.

4 2. Each such school bus must be used for the daily
5 transportation of public school students in the manner
6 required by the school district.

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

9 4. The proposed expenditure of the funds for this
10 purpose must have been included in the district school board's
11 notice of proposed tax for school capital outlay as provided
12 in s. 200.065(9).

13 (j) Payment of the cost of the opening day collection
14 for the library media center of a new school.

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

31 (a) The purchase, lease-purchase, or lease of driver's

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1 education vehicles; motor vehicles used for the maintenance or
2 operation of plants and equipment; security vehicles; or
3 vehicles used in storing or distributing materials and
4 equipment.

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

12 (4) Violations of the ~~these~~ expenditure provisions in
13 subsection (2) or subsection (3) shall result in an equal
14 dollar reduction in the Florida Education Finance Program
15 (FEFP) funds for the violating district in the fiscal year
16 following the audit citation.

17 (5)(3) These taxes shall be certified, assessed, and
18 collected as prescribed in s. 1011.04 and shall be expended as
19 provided by law.

20 (6)(4) Nothing in s. 1011.62(4)(a)1. shall in any way
21 be construed to increase the maximum school millage levies as
22 provided for in subsection (1).

23 ~~(5)(a) It is the intent of the Legislature that, by~~
24 ~~July 1, 2003, revenue generated by the millage levy authorized~~
25 ~~by subsection (2) should be used only for the costs of~~
26 ~~construction, renovation, remodeling, maintenance, and repair~~
27 ~~of the educational plant; for the purchase, lease, or~~
28 ~~lease purchase of equipment, educational plants, and~~
29 ~~construction materials directly related to the delivery of~~
30 ~~student instruction; for the rental or lease of existing~~
31 ~~buildings, or space within existing buildings, originally~~

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1 ~~constructed or used for purposes other than education, for~~
2 ~~conversion to use as educational facilities; for the opening~~
3 ~~day collection for the library media center of a new school;~~
4 ~~for the purchase, lease purchase, or lease of school buses or~~
5 ~~the payment to a private entity to offset the cost of school~~
6 ~~buses pursuant to paragraph (2)(i); and for servicing of~~
7 ~~payments related to certificates of participation issued for~~
8 ~~any purpose prior to the effective date of this act. Costs~~
9 ~~associated with the lease purchase of equipment, educational~~
10 ~~plants, and school buses may include the issuance of~~
11 ~~certificates of participation on or after the effective date~~
12 ~~of this act and the servicing of payments related to~~
13 ~~certificates so issued. For purposes of this section,~~
14 ~~"maintenance and repair" is defined in s. 1013.01.~~

15 ~~(b) For purposes not delineated in paragraph (a) for~~
16 ~~which proceeds received from millage levied under subsection~~
17 ~~(2) may be legally expended, a district school board may spend~~
18 ~~no more than the following percentages of the amount the~~
19 ~~district spent for these purposes in fiscal year 1995-1996:~~

- 20 ~~1. In fiscal year 2000-2001, 40 percent.~~
- 21 ~~2. In fiscal year 2001-2002, 25 percent.~~
- 22 ~~3. In fiscal year 2002-2003, 10 percent.~~

23 ~~(c) Beginning July 1, 2003, revenue generated by the~~
24 ~~millage levy authorized by subsection (2) must be used only~~
25 ~~for the purposes delineated in paragraph (a).~~

26 ~~(d) Notwithstanding any other provision of this~~
27 ~~subsection, if through its adopted educational facilities plan~~
28 ~~a district has clearly identified the need for an ancillary~~
29 ~~plant, has provided opportunity for public input as to the~~
30 ~~relative value of the ancillary plant versus an educational~~
31 ~~plant, and has obtained public approval, the district may use~~

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1 ~~revenue generated by the millage levy authorized by subsection~~
2 ~~(2) for the acquisition, construction, renovation, remodeling,~~
3 ~~maintenance, or repair of an ancillary plant.~~

4
5 ~~A district that violates these expenditure restrictions shall~~
6 ~~have an equal dollar reduction in funds appropriated to the~~
7 ~~district under s. 1011.62 in the fiscal year following the~~
8 ~~audit citation. The expenditure restrictions do not apply to~~
9 ~~any school district that certifies to the Commissioner of~~
10 ~~Education that all of the district's instructional space needs~~
11 ~~for the next 5 years can be met from capital outlay sources~~
12 ~~that the district reasonably expects to receive during the~~
13 ~~next 5 years or from alternative scheduling or construction,~~
14 ~~leasing, rezoning, or technological methodologies that exhibit~~
15 ~~sound management.~~

16 (7)~~(6)~~ In addition to the maximum millage levied under
17 this section and the General Appropriations Act, a school
18 district may levy, by local referendum or in a general
19 election, additional millage for school operational purposes
20 up to an amount that, when combined with nonvoted millage
21 levied under this section, does not exceed the 10-mill limit
22 established in s. 9(b), Art. VII of the State Constitution.
23 Any such levy shall be for a maximum of 4 years and shall be
24 counted as part of the 10-mill limit established in s. 9(b),
25 Art. VII of the State Constitution. Millage elections
26 conducted under the authority granted pursuant to this section
27 are subject to s. 1011.73. Funds generated by such additional
28 millage do not become a part of the calculation of the Florida
29 Education Finance Program total potential funds in 2001-2002
30 or any subsequent year and must not be incorporated in the
31 calculation of any hold-harmless or other component of the

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1 Florida Education Finance Program formula in any year. If an
2 increase in required local effort, when added to existing
3 millage levied under the 10-mill limit, would result in a
4 combined millage in excess of the 10-mill limit, any millage
5 levied pursuant to this subsection shall be considered to be
6 required local effort to the extent that the district millage
7 would otherwise exceed the 10-mill limit.

8 Section 5. This act shall take effect upon becoming a
9 law.

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