

Bill No. SB 6-C

Barcode 273610 Comm: FAV 10/03/2007 08:00 PM

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

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.

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

15  
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:

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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.

27           (c) Each district school board shall include in its  
28 annual financial report to the Department of Education the  
29 amount of funds the school board transferred from each of the  
30 categorical funds identified in this subsection and the  
31 specific academic classroom instruction for which the

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

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

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

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

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

11           1011.71 District school tax.--

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

28           (a) The purchase, lease-purchase, or lease of driver's  
 29 education vehicles; motor vehicles used for the maintenance or  
 30 operation of plants and equipment; security vehicles; or  
 31 vehicles used in storing or distributing materials and

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1 equipment.

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

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

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

19 1012.225 Merit Award Program for Instructional  
20 Personnel and School-Based Administrators.--

21 (1) ELIGIBILITY.--

22 (a) In order to be eligible for funding under this  
23 section, a district school board must adopt a Merit Award  
24 Program plan that provides for an assessment and a merit award  
25 based on the performance of students assigned to the  
26 employee's classroom or school pursuant to paragraph (3)(a) or  
27 paragraph (3)(b). Charter schools may participate in the  
28 program by using the district's Merit Award Program plan or  
29 may adopt an alternative Merit Award Program plan as provided  
30 in paragraph (5)(b). All instructional personnel, as defined  
31 in s. 1012.01(2)(a)-(d), and school-based administrators, as

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

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

23 Section 7. Subsection (5) is added to section 1012.72,  
 24 Florida Statutes, to read:

25 1012.72 Dale Hickam Excellent Teaching Program.--

26 (5) If the funds available in any fiscal year are  
 27 insufficient to pay in full the annual bonuses for  
 28 certification and for providing mentoring and related  
 29 services, payments for providing mentoring and related  
 30 services shall be prorated among the eligible recipients.

31 Section 8. In order to implement Specific

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

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

21       Section 10. This act shall take effect upon becoming a  
 22 law.

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