

1 A bill to be entitled

2 An act relating to implementing the act making  
 3 appropriations and reductions in appropriations for the  
 4 2007-2008 state fiscal year; providing legislative intent;  
 5 amending s. 1003.03, F.S.; removing requirements for the  
 6 transfer of certain funds for a school district that is  
 7 not in compliance with class size reduction requirements;  
 8 amending s. 1006.36, F.S.; authorizing a district school  
 9 board to delay the instructional materials adoption  
 10 schedule; amending s. 1011.62, F.S.; authorizing certain  
 11 expenditures from categorical funds as determined by the  
 12 district school board under certain conditions; revising  
 13 reporting requirements; amending s. 1011.71, F.S.;  
 14 revising the requirements under which school districts  
 15 qualify to use capital outlay funds for certain purposes;  
 16 specifying the calculations for the budget adjustments to  
 17 the Florida Education Finance Program for the 2007-2008  
 18 fiscal year; providing for reversion of certain  
 19 provisions; providing effect of veto of specific  
 20 appropriation or proviso to which implementing language  
 21 refers; providing applicability to other legislation;  
 22 providing severability; providing an effective date.

23  
 24 Be It Enacted by the Legislature of the State of Florida:

25  
 26 Section 1. It is the intent of the Legislature that the  
 27 implementing and administering provisions of this act apply to

28 the act making appropriations and reductions in appropriations  
 29 for the 2007-2008 state fiscal year.

30 Section 2. In order to implement Specific Appropriations  
 31 2, 11, 11A, 12, and 12A of House Bill 5001C, 2007C Special  
 32 Session, subsection (4) of section 1003.03, Florida Statutes, is  
 33 amended to read:

34 1003.03 Maximum class size.--

35 (4) ACCOUNTABILITY.--

36 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~  
 37 ~~department determines for any year that a school district has~~  
 38 ~~not reduced average class size as required in subsection (2) at~~  
 39 ~~the time of the third FEFP calculation, the department shall~~  
 40 ~~calculate an amount from the class size reduction operating~~  
 41 ~~categorical which is proportionate to the amount of class size~~  
 42 ~~reduction not accomplished. Upon verification of the~~  
 43 ~~department's calculation by the Florida Education Finance~~  
 44 ~~Program Appropriation Allocation Conference and not later than~~  
 45 ~~March 1 of each year, the Executive Office of the Governor shall~~  
 46 ~~transfer undistributed funds equivalent to the calculated amount~~  
 47 ~~from the district's class size reduction operating categorical~~  
 48 ~~to an approved fixed capital outlay appropriation for class size~~  
 49 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~  
 50 ~~The amount of funds transferred shall be the lesser of the~~  
 51 ~~amount verified by the Florida Education Finance Program~~  
 52 ~~Appropriation Allocation Conference or the undistributed balance~~  
 53 ~~of the district's class size reduction operating categorical.~~  
 54 ~~2. In lieu of the transfer required by subparagraph 1.,~~  
 55 ~~the Commissioner of Education may recommend a budget amendment,~~

56 ~~subject to approval by the Legislative Budget Commission, to~~  
 57 ~~transfer an alternative amount of funds from the district's~~  
 58 ~~class size reduction operating categorical to its approved fixed~~  
 59 ~~capital outlay account for class size reduction if the~~  
 60 ~~commissioner finds that the State Board of Education has~~  
 61 ~~reviewed evidence indicating that a district has been unable to~~  
 62 ~~meet class size reduction requirements despite appropriate~~  
 63 ~~effort to do so. The commissioner's budget amendment must be~~  
 64 ~~submitted to the Legislative Budget Commission by February 15 of~~  
 65 ~~each year.~~

66 (a) ~~(b)~~ Beginning in the 2005-2006 school year, the  
 67 department shall determine by January 15 of each year which  
 68 districts have not met the two-student-per-year reduction  
 69 required in subsection (2) based upon a comparison of the  
 70 district's October student membership survey for the current  
 71 school year and the February 2003 baseline student membership  
 72 survey. The department shall report such districts to the  
 73 Legislature. Each district that has not met the two-student-per-  
 74 year reduction shall be required to implement one of the  
 75 following policies in the subsequent school year unless the  
 76 department finds that the district comes into compliance based  
 77 upon the February student membership survey:

- 78 1. Year-round schools;
- 79 2. Double sessions;
- 80 3. Rezoning; or
- 81 4. Maximizing use of instructional staff by changing
- 82 required teacher loads and scheduling of planning periods,
- 83 deploying school district employees who have professional

84 certification to the classroom, using adjunct educators,  
85 operating schools beyond the normal operating hours to provide  
86 classes in the evening, or operating more than one session  
87 during the day.

88  
89 A school district that is required to implement one of the  
90 policies outlined in subparagraphs 1.-4. shall correct in the  
91 year of implementation any past deficiencies and bring the  
92 district into compliance with the two-student-per-year reduction  
93 goals established for the district by the department pursuant to  
94 subsection (2). A school district may choose to implement more  
95 than one of these policies. The district school superintendent  
96 shall report to the Commissioner of Education the extent to  
97 which the district implemented any of the policies outlined in  
98 subparagraphs 1.-4. in a format to be specified by the  
99 Commissioner of Education. The Department of Education shall use  
100 the enforcement authority provided in s. 1008.32 to ensure that  
101 districts comply with the provisions of this paragraph.

102 (b)~~(e)~~ Beginning in the 2006-2007 school year, the  
103 department shall annually determine which districts do not meet  
104 the requirements described in subsection (2). In addition to  
105 enforcement authority provided in s. 1008.32, the Department of  
106 Education shall develop a constitutional compliance plan for  
107 each such district which includes, but is not limited to,  
108 redrawing school attendance zones to maximize use of facilities  
109 while minimizing the additional use of transportation unless the  
110 department finds that the district comes into compliance based  
111 upon the February student membership survey and the other

112 accountability policies listed in paragraph (a) ~~(b)~~. Each  
 113 district school board shall implement the constitutional  
 114 compliance plan developed by the state board until the district  
 115 complies with the constitutional class size maximums.

116 Section 3. The amendments to s. 1003.03, Florida Statutes,  
 117 made by this act shall expire July 1, 2008, and the text of that  
 118 section shall revert to that in existence on the day before the  
 119 effective date of this act, except that any amendments to such  
 120 text enacted other than by this act shall be preserved and  
 121 continue to operate to the extent that such amendments are not  
 122 dependent upon the portions of such text that expire pursuant to  
 123 this section.

124 Section 4. In order to implement Specific Appropriations  
 125 11 and 11A of House Bill 5001C, 2007C Special Session,  
 126 subsection (2) of section 1006.36, Florida Statutes, is amended  
 127 to read:

128 1006.36 Term of adoption for instructional materials.--

129 (2) The department shall publish annually an official  
 130 schedule of subject areas to be called for adoption for each of  
 131 the succeeding 2 years~~7~~, and a tentative schedule for years 3, 4,  
 132 5, and 6. A district school board may delay the official  
 133 adoption schedule by 1 year. If extenuating circumstances  
 134 warrant, the commissioner may order the department to add one or  
 135 more subject areas to the official schedule, in which event the  
 136 commissioner shall develop criteria for such additional subject  
 137 area or areas and make them available to publishers as soon as  
 138 practicable before the date on which bids are due. The schedule  
 139 shall be developed so as to promote balance among the subject

140 areas so that the required expenditure for new instructional  
 141 materials is approximately the same each year in order to  
 142 maintain curricular consistency.

143       Section 5. The amendments to s. 1006.36, Florida Statutes,  
 144 made by this act shall expire July 1, 2008, and the text of that  
 145 section shall revert to that in existence on the day before the  
 146 effective date of this act, except that any amendments to such  
 147 text enacted other than by this act shall be preserved and  
 148 continue to operate to the extent that such amendments are not  
 149 dependent upon the portions of such text that expire pursuant to  
 150 this section.

151       Section 6. In order to implement Specific Appropriations  
 152 11 and 11A of House Bill 5001C, 2007C Special Session,  
 153 subsection (6) of section 1011.62, Florida Statutes, is amended  
 154 to read:

155       1011.62 Funds for operation of schools.--If the annual  
 156 allocation from the Florida Education Finance Program to each  
 157 district for operation of schools is not determined in the  
 158 annual appropriations act or the substantive bill implementing  
 159 the annual appropriations act, it shall be determined as  
 160 follows:

161       (6) CATEGORICAL FUNDS.--

162       (a) In addition to the basic amount for current operations  
 163 for the FEFP as determined in subsection (1), the Legislature  
 164 may appropriate categorical funding for specified programs,  
 165 activities, or purposes.

166       (b) If a district school board finds and declares in a  
 167 resolution adopted at a regular meeting of the school board that

168 expenditures for administration and for all functions not core  
 169 to K-12 instruction have been reduced to the maximum extent  
 170 possible and that the funds received for any of the following  
 171 categorical appropriations are urgently needed to maintain  
 172 school board specified academic classroom instruction, the  
 173 school board may consider and approve an amendment to the school  
 174 district operating budget transferring the identified amount of  
 175 the categorical funds to the appropriate account for  
 176 expenditure:

- 177 1. Funds for student transportation.
- 178 2. Funds for safe schools.
- 179 3. Funds for supplemental academic instruction.
- 180 4. Funds for research-based reading instruction.
- 181 5. Funds for instructional materials.

182 (c) Each district school board shall include in its annual  
 183 financial report to the Department of Education the amount of  
 184 funds the school board transferred from each of the categorical  
 185 funds identified in this subsection and the specific academic  
 186 classroom instruction for which the transferred funds were  
 187 expended. The Department of Education shall provide instructions  
 188 and specify the format to be used in submitting this required  
 189 information as a part of the district annual financial report.  
 190 The Department of Education shall provide to the Chair of the  
 191 Senate Fiscal Policy and Calendar Committee and the Chair of the  
 192 House Policy and Budget Council a report that identifies by  
 193 district and by categorical fund the amount transferred and the  
 194 specific academic classroom instruction for which the  
 195 transferred funds were expended.

196       (d) If a district school board transfers funds from its  
 197 research-based reading instruction allocation, the school board  
 198 must also submit to the Department of Education an amendment  
 199 describing the changes the district is making to its 2007-2008  
 200 comprehensive reading plan approved pursuant to paragraph  
 201 (9) (d).

202       Section 7. The amendments to s. 1011.62, Florida Statutes,  
 203 made by this act shall expire July 1, 2008, and the text of that  
 204 section shall revert to that in existence on the day before the  
 205 effective date of this act, except that any amendments to such  
 206 text enacted other than by this act shall be preserved and  
 207 continue to operate to the extent that such amendments are not  
 208 dependent upon the portions of such text that expire pursuant to  
 209 this section.

210       Section 8. In order to implement Specific Appropriations  
 211 11 and 11A of House Bill 5001C, 2007C Special Session,  
 212 subsection (3) of section 1011.71, Florida Statutes, is amended  
 213 to read:

214       1011.71 District school tax.--

215       (3) A school district that has met the reduction  
 216 requirements regarding class size for the current year pursuant  
 217 to s. 1003.03, ~~has received an unqualified opinion on its~~  
 218 ~~financial statements for the preceding 3 years, has no material~~  
 219 ~~weaknesses or instances of material noncompliance noted in an~~  
 220 ~~audit for the preceding 3 years,~~ and certifies to the  
 221 Commissioner of Education that all of the district's  
 222 instructional space needs for the next 5 years can be met from  
 223 capital outlay sources that the district reasonably expects to



224 receive during the next 5 years from local revenues and from  
 225 currently appropriated state facilities funding or from  
 226 alternative scheduling or construction, leasing, rezoning, or  
 227 technological methodologies that exhibit sound management may  
 228 expend revenue generated by the millage levy authorized by  
 229 subsection (2) to fund, in addition to expenditures authorized  
 230 in paragraphs (2)(a)-(j), the following:

231 (a) The purchase, lease-purchase, or lease of driver's  
 232 education vehicles; motor vehicles used for the maintenance or  
 233 operation of plants and equipment; security vehicles; or  
 234 vehicles used in storing or distributing materials and  
 235 equipment.

236 (b) Payment of the cost of premiums for property and  
 237 casualty insurance necessary to insure school district  
 238 educational and ancillary plants. Operating revenues that are  
 239 made available through the payment of property and casualty  
 240 insurance premiums from revenues generated under this subsection  
 241 may be expended only for nonrecurring operational expenditures  
 242 of the school district.

243 Section 9. The amendments to s. 1011.71, Florida Statutes,  
 244 made by this act shall expire July 1, 2008, and the text of that  
 245 section shall revert to that in existence on the day before the  
 246 effective date of this act, except that any amendments to such  
 247 text enacted other than by this act shall be preserved and  
 248 continue to operate to the extent that such amendments are not  
 249 dependent upon the portions of such text that expire pursuant to  
 250 this section.

251           Section 10. In order to implement Specific Appropriations  
 252 2 and 11 through 12A of House Bill 5001C, 2007C Special Session,  
 253 the calculations for the budget adjustments to the Florida  
 254 Education Finance Program for the 2007-2008 fiscal year in the  
 255 document entitled "Public School Funding--The Florida Education  
 256 Finance Program Revised Second Calculation," dated October 2007  
 257 and filed with the Secretary of the Senate, are incorporated by  
 258 reference for the purpose of displaying the calculations used by  
 259 the Legislature, consistent with the requirements of the Florida  
 260 Statutes, in making appropriations for the Florida Education  
 261 Finance Program. This section expires July 1, 2008.

262           Section 11. A section of this act that implements a  
 263 specific appropriation or specifically identified proviso  
 264 language in the act making appropriations and reductions in  
 265 appropriations for the 2007-2008 state fiscal year is void if  
 266 the specific appropriation or specifically identified proviso  
 267 language is vetoed. A section of this act that implements more  
 268 than one specific appropriation or more than one portion of  
 269 specifically identified proviso language in the act making  
 270 appropriations and reductions in appropriations for the 2007-  
 271 2008 state fiscal year is void if all the specific  
 272 appropriations or portions of specifically identified proviso  
 273 language are vetoed.

274           Section 12. If any other act passed in 2007 contains a  
 275 provision that is substantively the same as a provision in this  
 276 act but that removes or is otherwise not subject to the future  
 277 repeal or reversion applied to such provision by this act, the  
 278 Legislature intends that the provision in the other act shall

279 take precedence and shall continue to operate, notwithstanding  
280 the future repeal or reversion provided by this act.

281 Section 13. If any provision of this act or its  
282 application to any person or circumstance is held invalid, the  
283 invalidity shall not affect other provisions or applications of  
284 the act which can be given effect without the invalid provision  
285 or application, and to this end the provisions of this act are  
286 declared severable.

287 Section 14. This act shall take effect upon becoming a  
288 law.