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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Higher Education (Farmer)  
recommended the following:

1           **Senate Amendment to Amendment (396932) (with directory and**  
2 **title amendments)**

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4           Between lines 869 and 870  
5 insert:

6           (1) Charter school capital outlay funding shall consist of  
7 revenue resulting from the discretionary millage authorized in  
8 s. 1011.71(2) and state funds when such funds are appropriated  
9 in the General Appropriations Act.

10           (c) It is the intent of the Legislature that the public



465670

11 interest be protected by prohibiting personal financial  
12 enrichment by owners, operators, managers, real estate  
13 developers, and other affiliated parties of charter schools.  
14 Therefore, a charter school is not eligible for a funding  
15 allocation unless the chair of the governing board and the chief  
16 administrative officer of the charter school annually certify  
17 under oath that the funds will be used solely and exclusively  
18 for constructing, renovating, or improving charter school  
19 facilities that are:

20 1. Owned by a school district, a political subdivision of  
21 the state, a municipality, a Florida College System institution,  
22 or a state university;

23 2. Owned by an organization that is qualified as an exempt  
24 organization under s. 501(c)(3) of the Internal Revenue Code  
25 whose articles of incorporation specify that, upon the  
26 organization's dissolution, the subject property will be  
27 transferred to a school district, a political subdivision of the  
28 state, a municipality, a Florida College System institution, or  
29 a state university; or

30 3. Owned by and leased, at a fair market value in the  
31 school district in which the charter school is located, from a  
32 person or entity that is not an affiliated party of the charter  
33 school. For the purposes of this subparagraph, the term  
34 "affiliated party of the charter school" means the applicant for  
35 the charter school pursuant to s. 1002.33; the governing board  
36 of the charter school or a member of the governing board; the  
37 charter school owner; the charter school principal; an employee  
38 of the charter school; an independent contractor of the charter  
39 school or the governing board of the charter school; a relative,



465670

40 as defined in s. 1002.33(24)(a)2., of a charter school governing  
41 board member, a charter school owner, a charter school  
42 principal, a charter school employee, or an independent  
43 contractor of a charter school or charter school governing  
44 board; a subsidiary corporation, a service corporation, an  
45 affiliated corporation, a parent corporation, a limited  
46 liability company, a limited partnership, a trust, a  
47 partnership, or a related party that, individually or through  
48 one or more entities, shares common ownership or control and  
49 directly or indirectly manages, administers, controls, or  
50 oversees the operation of the charter school; or any person or  
51 entity, individually or through one or more entities that share  
52 common ownership, which directly or indirectly manages,  
53 administers, controls, or oversees the operation of any of the  
54 foregoing.

55  
56 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

57 And the directory clause is amended as follows:

58 Delete lines 867 - 868

59 and insert:

60 Section 10. Subsection (3) of section 1013.62, Florida  
61 Statutes, is amended, and paragraph (c) is added to subsection  
62 (1) of that section, to read:

63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line 988

67 and insert:

68 F.S.; providing legislative intent; prohibiting a



465670

69 charter school from being eligible for capital outlay  
70 funds unless the chair of the governing board and the  
71 chief administrative officer of the charter school  
72 annually certify certain information; defining the  
73 term "affiliated party of the charter school";  
74 revising the Department of Education's