

Bill No. CS for CS/SB 1996 and CS/SB 1182, 2nd Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Grant moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 12, line 18 through page 14, line 29 delete
15 those lines

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17 and insert:

18 Section 2. Section 228.0561, Florida Statutes, is
19 created to read:

20 228.0561 Charter schools capital outlay funding.--

21 (1) In each year in which funds are appropriated from
22 the Charter Schools Capital Outlay Trust Fund, the
23 Commissioner of Education shall allocate the funds among
24 eligible charter schools. To be eligible for a funding
25 allocation, a charter school must meet the provisions of
26 subsection (6), must have received final approval from its
27 sponsor pursuant to s. 228.056 for operation during that
28 fiscal year, and must serve students in facilities that are
29 not provided by the charter school's sponsor. The contract
30 between a charter school and its sponsor must contain a lien
31 provision to permit the sponsor's recovery, in the event the

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1 school terminates operations, of funds received pursuant to
2 this section that were used to renovate, repair, or remodel
3 the school's facilities. A charter school is not eligible for
4 a funding allocation if it was created by the conversion of a
5 public school and operates in facilities provided by the
6 charter school's sponsor for a nominal fee or at no charge.
7 Unless otherwise provided in the General Appropriations Act,
8 the funding allocation for each eligible charter school shall
9 be determined by multiplying the school's projected student
10 enrollment by one-thirtieth of the cost-per-student station
11 specified in s. 235.435(6)(b) for an elementary, middle, or
12 high school, as appropriate. If the funds appropriated are
13 not sufficient, the commissioner shall prorate the available
14 funds among eligible charter schools. In the first quarter of
15 the fiscal year, funds shall be distributed on the basis of
16 projected enrollment as provided in this section. The
17 commissioner shall adjust subsequent distributions as
18 necessary to reflect each charter school's actual student
19 enrollment. The commissioner shall establish the intervals
20 and procedures for determining the projected and actual
21 student enrollment of eligible charter schools. If a school
22 district chooses to share funding for the capital outlay
23 purposes described in subsection (2) with the applicable
24 charter school or charter schools, any allocation from the
25 Charter Schools Capital Outlay allocation to the charter
26 school or charter schools shall be reduced by the amount
27 shared.

28 (2) A charter school's governing body with the school
29 board's permission may use funds from the Charter Schools
30 Capital Outlay Trust Fund for any capital outlay purpose that
31 is directly related to the functioning of the charter school,

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1 including the:

2 (a) Purchase of real property.

3 (b) Construction, renovation, repair, and maintenance
4 of school facilities.

5 (c) Purchase, lease-purchase, or lease of permanent or
6 relocatable school facilities.

7 (d) Purchase of vehicles to transport students to and
8 from the charter school.

9 (3) When a charter school is nonrenewed or terminated,
10 any unencumbered funds and all equipment and property
11 purchased with public funds shall revert to the ownership of
12 the district school board, as provided for in s.
13 228.056(10)(e) and (f). The reversion of such equipment,
14 property, and furnishings shall focus on recoverable assets,
15 but not on intangible or irrecoverable costs such as rental or
16 leasing fees, normal maintenance, and limited renovations. If
17 there are additional local issues such as the shared use of
18 facilities or partial ownership of facilities or property,
19 these issues shall be agreed to in the charter contract prior
20 to the expenditure of funds.

21 (4) The Commissioner of Education shall specify
22 procedures for submitting and approving requests for funding
23 under this section and procedures for documenting
24 expenditures.

25 (5) The annual legislative budget request of the
26 Department of Education shall include a request for funding
27 from the Charter Schools Capital Outlay Trust Fund. The
28 request shall be based on the projected number of students to
29 be served in charter schools who meet the eligibility
30 requirements of this section.

31 (6)(a) Effective July 1, 1998, any charter school

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1 which has been in continuous operation in the district in
2 which its charter was approved for at least two school years
3 immediately preceding the school year in which the school
4 seeks an appropriation from the Public Education Capital
5 Outlay and Debt Service Trust Fund shall be eligible to
6 receive funds from that trust fund. No other charter schools
7 are eligible to receive funds from the Public Education
8 Capital Outlay and Debt Service Trust Fund.

9 (b) Unless authorized other wise by the Legislature,
10 allocation and proration of funds from the Public Education
11 Capital Outlay and Debt Service Trust Fund shall be made to
12 eligible charter schools by the commissioner of Education in
13 an amount and in a manner authorized by subsection (1), and
14 only schools eligible for such funds in this subsection shall
15 be considered "eligible charter schools" for such an
16 allocation or proration.

17 (c) There is appropriated from the Public Education
18 Capital Outlay and Debt Service Trust Fund in fiscal year
19 1998-1999 the amount of \$5,000,000 to be used for capital
20 outlay purposes of charter schools eligible under this
21 subsection and allocated or prorated in an amount and in a
22 manner authorized by this subsection. This paragraph shall be
23 repealed July 1, 1999.

24 Section 3. Subsection (7) of s. 235.42, Florida
25 Statutes, is amended to read:

26 235.42 Educational and ancillary plant construction
27 funds; Public Education Capital Outlay and Debt Service Trust
28 Fund; allocation of funds.--

29 (7) Boards and entities authorized to participate in
30 the trust fund are district school boards, the community
31 college district boards of trustees, the Trustees of the

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1 Florida School for the Deaf and the Blind, the Board of
2 Regents, charter schools only if eligible pursuant to s.
3 228.0561(6), and other units of the state system of public
4 education, and other educational entities defined in s.
5 228.041 for which funds are ~~purposes~~ authorized by the
6 Legislature.

7 Section 4. This act shall take effect upon becoming a
8 law.

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 2, line 1, after the semicolon

14

15 insert:

16 authorizing distribution of funds to charter
17 schools; from the Public Education Capital
18 Outlay and Debt Service Trust Fund and
19 establishing eligibility of charter schools for
20 such funds; establishing an amount and manner
21 for allocation or proration of such funds;
22 providing an appropriation; providing for
23 future repeal of statute; amending s. 235.42,
24 F.S.; clarifying eligibility of educational
25 boards and entities for receipt of funds from
26 the Public Education Capital Outlay and Debt
27 Service Trust Fund;

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