

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		
16			
17	and insert:		
18	Section 2. Section 228.0561, Florida Statutes, is		
19	created to read:		
20	<u>228.0561 Charter schools capital outlay funding.--</u>		
21	<u>(1) In each year in which funds are appropriated from</u>		
22	<u>the Public Education Capital Outlay and Debt Service Trust</u>		
23	<u>Fund for charter schools, the Commissioner of Education shall</u>		
24	<u>allocate the funds among eligible charter schools. To be</u>		
25	<u>eligible for a funding allocation, a charter school must meet</u>		
26	<u>the provisions of subsection (6), must have received final</u>		
27	<u>approval from its sponsor pursuant to s. 228.056 for operation</u>		
28	<u>during that fiscal year, and must serve students in facilities</u>		
29	<u>that are not provided by the charter school's sponsor. Prior</u>		
30	<u>to the release of capital outlay funds to the charter school,</u>		
31	<u>the Department of Education shall enter into a written</u>		

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

31 (2) A charter school's governing body with the school

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1 board's permission may use funds from the Public Education
2 Capital Outlay and Debt Service Trust Fund for any capital
3 outlay purpose that is directly related to the functioning of
4 the charter school, including the:

5 (a) Purchase of real property.

6 (b) Construction, renovation, repair, and maintenance
7 of school facilities.

8 (c) Purchase, lease-purchase, or lease of permanent or
9 relocatable school facilities.

10 (d) Purchase of vehicles to transport students to and
11 from the charter school.

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

24 (4) The Commissioner of Education shall specify
25 procedures for submitting and approving requests for funding
26 under this section and procedures for documenting
27 expenditures.

28 (5) The annual legislative budget request of the
29 Department of Education shall include a request for funding
30 for charter schools from the Public Education Capital Outlay
31 and Debt Service Trust Fund. The request shall be based on

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1 the projected number of students to be served in charter
2 schools who meet the eligibility requirements of this section.

3 (6)(a) Effective July 1, 1998, any charter school
4 which has been in continuous operation in the district in
5 which its charter was approved for at least two school years
6 immediately preceding the school year in which the school
7 seeks an appropriation from the Public Education Capital
8 Outlay and Debt Service Trust Fund shall be eligible to
9 receive funds from that trust fund. No other charter schools
10 are eligible to receive funds from the Public Education
11 Capital Outlay and Debt Service Trust Fund.

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

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

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

29 235.42 Educational and ancillary plant construction
30 funds; Public Education Capital Outlay and Debt Service Trust
31 Fund; allocation of funds.--

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1 (7) Boards and entities authorized to participate in
2 the trust fund are district school boards, the community
3 college district boards of trustees, the Trustees of the
4 Florida School for the Deaf and the Blind, the Board of
5 Regents, charter schools only if eligible pursuant to s.
6 228.0561(6), and other units of the state system of public
7 education, and other educational entities defined in s.
8 228.041 for which funds are ~~purposes~~ authorized by the
9 Legislature.

10 Section 4. The sum of \$13,244,151 is appropriated for
11 fiscal year 1998-1999 from the Public Education and Capital
12 Outlay Debt Service Trust Fund to the Columbia County School
13 District or the Ft. White High School. No funds shall be
14 released for this project before the Special Facility
15 Construction Committee has approved said project.

16 Section 5. Notwithstanding proviso immediately
17 preceding Specific Appropriation 26 of the 1998-99 General
18 Appropriations Act, funds designated for the Commission on
19 Education Reform and Accountability shall be released
20 beginning July 1, 1998, and shall be released throughout
21 fiscal year 1998-1999 based on a regular release schedule.

22 Section 6. The Governor's Commission on Education,
23 established by Executive Order on September 10, 1996, shall be
24 dissolved on October 31, 1998.

25 Section 7. This act shall take effect upon becoming a
26 law.

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

30 And the title is amended as follows:

31 On page 2, line 1, after the semicolon

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1 insert:
2 authorizing distribution of funds to charter
3 schools; from the Public Education Capital
4 Outlay and Debt Service Trust Fund and
5 establishing eligibility of charter schools for
6 such funds; establishing an amount and manner
7 for allocation or proration of such funds;
8 providing an appropriation; providing for
9 future repeal of statute; amending s. 235.42,
10 F.S.; clarifying eligibility of educational
11 boards and entities for receipt of funds from
12 the Public Education Capital Outlay and Debt
13 Service Trust Fund; providing an appropriation
14 to the Columbia County School District;
15 providing for the release of funds for the
16 Commission on Education Reform and
17 Accountability; providing for the dissolution
18 of the Governor's Commission on Education;

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