

Bill No. CS for SB 1066

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Sullivan moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (1), (2), (5), and (6) of		
18	section 228.0561, Florida Statutes, 1998 Supplement, are		
19	amended to read:		
20	228.0561 Charter schools capital outlay funding.--		
21	(1) In each year in which funds are appropriated <u>for</u>		
22	<u>charter school capital outlay purposes</u> <del>from the Public</del>		
23	<del>Education Capital Outlay and Debt Service Trust Fund for</del>		
24	<del>charter schools</del> , the Commissioner of Education shall allocate		
25	the funds among eligible charter schools. To be eligible for		
26	a funding allocation, a charter school <del>must meet the</del>		
27	<del>provisions of subsection (6)</del> , must have received final		
28	approval from its sponsor pursuant to s. 228.056 for operation		
29	during that fiscal year, <del>and</del> must serve students in facilities		
30	that are not provided by the charter school's sponsor, <u>and</u>		
31	<u>must be fiscally stable.</u> <u>Fiscal stability may be documented by</u>		

Bill No. CS for SB 1066

Amendment No. \_\_\_\_

1 a statement from the school's sponsor, the school's most  
2 recent financial audit, or verification by a certified public  
3 accountant. Prior to the release of capital outlay funds to a  
4 school district on behalf of the charter school, the  
5 Department of Education shall ensure that the district school  
6 board and the charter school governing board enter into a  
7 written agreement that includes provisions for the reversion  
8 of any unencumbered funds and all equipment and property  
9 purchased with public education funds to the ownership of the  
10 district school board, as provided for in subsection (3)  
11 ~~attaching a lien to property that has been improved through~~  
12 ~~the use of these funds, in the event that the school~~  
13 terminates operations. Any funds recovered by the state shall  
14 be deposited in the General Revenue Fund ~~Public Education~~  
15 ~~Capital Outlay and Debt Service Trust Fund~~. A charter school  
16 is not eligible for a funding allocation if it was created by  
17 the conversion of a public school and operates in facilities  
18 provided by the charter school's sponsor for a nominal fee or  
19 at no charge. Unless otherwise provided in the General  
20 Appropriations Act, the Commissioner of Education shall  
21 allocate funds for charter school capital outlay purposes  
22 among eligible charter schools based upon documented capital  
23 outlay needs. If the funds appropriated are not sufficient to  
24 meet all documented needs, the commissioner shall prorate  
25 funds among eligible charter schools based upon the relative  
26 magnitude and nature of their documented capital outlay needs.  
27 The commissioner shall establish procedures for documenting  
28 the magnitude and nature of each eligible charter school's  
29 capital outlay needs and the criteria for evaluating relative  
30 need. To document and determine relative capital outlay needs,  
31 the commissioner may request and consider the academic

Bill No. CS for SB 1066

Amendment No. \_\_\_\_

1 programs offered; the nature and condition of the school's  
2 current facilities; whether school facilities are leased,  
3 lease-purchased, or owned by the charter school;  
4 transportation methods and the geographic area covered;  
5 current and projected student enrollment; the geographic area  
6 served; proposed capital purchases or improvements; and the  
7 intended contribution to improved student performance. The  
8 commissioner shall specify the format and timeframes for  
9 submitting this information.~~funding allocation for each~~  
10 ~~eligible charter school shall be determined by multiplying the~~  
11 ~~school's projected student enrollment by one-thirtieth of the~~  
12 ~~cost-per-student station specified in s. 235.435(6)(b) for an~~  
13 ~~elementary, middle, or high school, as appropriate. If the~~  
14 ~~funds appropriated are not sufficient, the commissioner shall~~  
15 ~~prorate the available funds among eligible charter schools.~~  
16 ~~In the first quarter of the fiscal year, funds shall be~~  
17 ~~distributed on the basis of projected enrollment as provided~~  
18 ~~in this section. The commissioner shall adjust subsequent~~  
19 ~~distributions as necessary to reflect each charter school's~~  
20 ~~actual student enrollment. The commissioner shall establish~~  
21 ~~the intervals and procedures for determining the projected and~~  
22 ~~actual student enrollment of eligible charter schools.~~~~If a~~  
23 ~~school district chooses to share funding for the capital~~  
24 ~~outlay purposes described in subsection (2) with the~~  
25 ~~applicable charter school or charter schools, any allocation~~  
26 ~~of charter school capital outlay funds from the Public~~  
27 ~~Education Capital Outlay and Debt Service Trust Fund~~  
28 ~~allocation to the charter school or charter schools shall be~~  
29 ~~reduced by the amount shared.~~

30 (2) A charter school's governing body may use charter  
31 school capital outlay funds ~~with the school board's permission~~

Bill No. CS for SB 1066

Amendment No. \_\_\_\_

1 ~~may use funds from the Public Education Capital Outlay and~~  
2 ~~Debt Service Trust Fund~~ for any capital outlay purpose that is  
3 directly related to the functioning of the charter school,  
4 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 (5) The annual legislative budget request of the  
13 Department of Education shall include a request for capital  
14 outlay funding for charter schools ~~from the Public Education~~  
15 ~~Capital Outlay and Debt Service Trust Fund~~. The request shall  
16 be based on the projected number of students to be served in  
17 charter schools who meet the eligibility requirements of this  
18 section.

19 ~~(6)(a) Effective July 1, 1998, any charter school~~  
20 ~~which has been in continuous operation in the district in~~  
21 ~~which its charter was approved for at least two school years~~  
22 ~~immediately preceding the school year in which the school~~  
23 ~~seeks an appropriation from the Public Education Capital~~  
24 ~~Outlay and Debt Service Trust Fund shall be eligible to~~  
25 ~~receive funds from that trust fund. No other charter schools~~  
26 ~~are eligible to receive funds from the Public Education~~  
27 ~~Capital Outlay and Debt Service Trust Fund.~~

28 ~~(b) Unless authorized otherwise by the Legislature,~~  
29 ~~allocation and proration of funds from the Public Education~~  
30 ~~Capital Outlay and Debt Service Trust Fund shall be made to~~  
31 ~~eligible charter schools by the Commissioner of Education in~~

Bill No. CS for SB 1066

Amendment No. \_\_\_\_

1 ~~an amount and in a manner authorized by subsection (1), and~~  
2 ~~only schools eligible for such funds in this subsection shall~~  
3 ~~be considered "eligible charter schools" for such an~~  
4 ~~allocation or proration.~~

5 ~~(c) There is appropriated from the Public Education~~  
6 ~~Capital Outlay and Debt Service Trust Fund in fiscal year~~  
7 ~~1998-1999 the amount of \$5 million to be used for capital~~  
8 ~~outlay purposes of charter schools eligible under this~~  
9 ~~subsection and allocated or prorated in an amount and in a~~  
10 ~~manner authorized by this subsection. This paragraph shall be~~  
11 ~~repealed July 1, 1999.~~

12 Section 2. Subsection (7) of section 235.42, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14 235.42 Educational and ancillary plant construction  
15 funds; Public Education Capital Outlay and Debt Service Trust  
16 Fund; allocation of funds.--

17 (7) Boards and entities authorized to participate in  
18 the trust fund are district school boards, the community  
19 college district boards of trustees, the Trustees of the  
20 Florida School for the Deaf and the Blind, the Board of  
21 Regents, ~~charter schools only if eligible pursuant to s.~~  
22 ~~228.0561(6)~~, and other units of the state system of public  
23 education, and other educational entities defined in s.  
24 228.041 for which funds are authorized by the Legislature.

25 Section 3. This act shall take effect July 1, 1999.

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

29 And the title is amended as follows:

30 On page 1, lines 14-19, delete those lines

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Bill No. CS for SB 1066

Amendment No. \_\_\_\_

1 and insert:

2 receipt of capital outlay funds; revising the  
3 allocation and proration of funds; removing  
4 obsolete provisions; amending s. 235.42, F.S.,  
5 relating to educational and ancillary plant  
6 construction funds; removing a reference to  
7 charter schools; providing an effective date.

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