

By Senator Sullivan

22-943-99

See HB

1                                   A bill to be entitled  
2           An act relating to charter school capital  
3           outlay funding; amending s. 228.0561, F.S.;  
4           removing references to the Public Education  
5           Capital Outlay and Debt Service Trust Fund;  
6           specifying that funds appropriated for charter  
7           schools capital outlay purposes will be  
8           deposited in the General Revenue Fund; removing  
9           a provision related to school district sharing  
10          of capital outlay funds with charter schools;  
11          revising requirements relating to charter  
12          school use of capital outlay funds; revising  
13          eligibility requirements for charter school  
14          receipt of capital outlay funds; removing  
15          obsolete provisions; reenacting s. 235.42,  
16          F.S., relating to educational and ancillary  
17          plant construction funds, to incorporate the  
18          amendment in a reference; providing an  
19          effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23           Section 1. Subsections (1), (2), (5), and (6) of  
24 section 228.0561, Florida Statutes, 1998 Supplement, are  
25 amended to read:

26           228.0561 Charter schools capital outlay funding.--

27           (1) In each year in which funds are appropriated for  
28 charter school capital outlay purposes ~~from the Public~~  
29 ~~Education Capital Outlay and Debt Service Trust Fund for~~  
30 ~~charter schools~~, the Commissioner of Education shall allocate  
31 the funds among eligible charter schools. To be eligible for

1 a funding allocation, a charter school must meet the  
2 provisions of subsection (6), must have received final  
3 approval from its sponsor pursuant to s. 228.056 for operation  
4 during that fiscal year, and must serve students in facilities  
5 that are not provided by the charter school's sponsor. Prior  
6 to the release of capital outlay funds to the charter school,  
7 the Department of Education shall enter into a written  
8 agreement that includes provisions for attaching a lien to  
9 property that has been improved through the use of these  
10 funds, in the event that the school terminates operations.  
11 Any funds recovered by the state shall be deposited in the  
12 General Revenue Fund ~~Public Education Capital Outlay and Debt~~  
13 ~~Service Trust Fund~~. A charter school is not eligible for a  
14 funding allocation if it was created by the conversion of a  
15 public school and operates in facilities provided by the  
16 charter school's sponsor for a nominal fee or at no charge.  
17 Unless otherwise provided in the General Appropriations Act,  
18 the funding allocation for each eligible charter school shall  
19 be determined by multiplying the school's projected student  
20 enrollment by one-thirtieth of the cost-per-student station  
21 specified in s. 235.435(6)(b) for an elementary, middle, or  
22 high school, as appropriate. If the funds appropriated are  
23 not sufficient, the commissioner shall prorate the available  
24 funds among eligible charter schools. In the first quarter of  
25 the fiscal year, funds shall be distributed on the basis of  
26 projected enrollment as provided in this section. The  
27 commissioner shall adjust subsequent distributions as  
28 necessary to reflect each charter school's actual student  
29 enrollment. The commissioner shall establish the intervals  
30 and procedures for determining the projected and actual  
31 student enrollment of eligible charter schools. ~~if a school~~

1 ~~district chooses to share funding for the capital outlay~~  
2 ~~purposes described in subsection (2) with the applicable~~  
3 ~~charter school or charter schools, any allocation from the~~  
4 ~~Public Education Capital Outlay and Debt Service Trust Fund~~  
5 ~~allocation to the charter school or charter schools shall be~~  
6 ~~reduced by the amount shared.~~

7 (2) A charter school's governing body may use charter  
8 school capital outlay funds ~~with the school board's permission~~  
9 ~~may use funds from the Public Education Capital Outlay and~~  
10 ~~Debt Service Trust Fund~~ for any capital outlay purpose that is  
11 directly related to the functioning of the charter school,  
12 including the:

13 (a) Purchase of real property.

14 (b) Construction, renovation, repair, and maintenance  
15 of school facilities.

16 (c) Purchase, lease-purchase, or lease of permanent or  
17 relocatable school facilities.

18 (d) Purchase of vehicles to transport students to and  
19 from the charter school.

20 (5) The annual legislative budget request of the  
21 Department of Education shall include a request for capital  
22 outlay funding for charter schools ~~from the Public Education~~  
23 ~~Capital Outlay and Debt Service Trust Fund~~. The request shall  
24 be based on the projected number of students to be served in  
25 charter schools who meet the eligibility requirements of this  
26 section.

27 (6)(a) ~~Effective July 1, 1998, any charter school~~  
28 ~~which has been in continuous operation in the district in~~  
29 ~~which its charter was approved for at least two school years~~  
30 ~~immediately preceding the school year in which the school~~  
31 ~~seeks an appropriation from the Public Education Capital~~

1 ~~Outlay and Debt Service Trust Fund shall be eligible to~~  
2 ~~receive funds from that trust fund. No other charter schools~~  
3 ~~are eligible to receive funds from the Public Education~~  
4 ~~Capital Outlay and Debt Service Trust Fund.~~

5       **(b)** ~~Unless authorized otherwise by the Legislature,~~  
6 ~~allocation and proration of charter schools capital outlay~~  
7 ~~funds from the Public Education Capital Outlay and Debt~~  
8 ~~Service Trust Fund shall be made to eligible charter schools~~  
9 ~~by the Commissioner of Education in an amount and in a manner~~  
10 ~~authorized by subsection (1), and only schools eligible for~~  
11 ~~such funds in this subsection shall be considered "eligible~~  
12 ~~charter schools" for such an allocation or proration.~~

13       **(c)** ~~There is appropriated from the Public Education~~  
14 ~~Capital Outlay and Debt Service Trust Fund in fiscal year~~  
15 ~~1998-1999 the amount of \$5 million to be used for capital~~  
16 ~~outlay purposes of charter schools eligible under this~~  
17 ~~subsection and allocated or prorated in an amount and in a~~  
18 ~~manner authorized by this subsection. This paragraph shall be~~  
19 ~~repealed July 1, 1999.~~

20       Section 2. For the purpose of incorporating the  
21 amendment to section 228.0561(6), Florida Statutes, 1998  
22 Supplement, in a reference thereto, subsection (7) of section  
23 235.42, Florida Statutes, 1998 Supplement, is reenacted to  
24 read:

25       235.42 Educational and ancillary plant construction  
26 funds; Public Education Capital Outlay and Debt Service Trust  
27 Fund; allocation of funds.--

28       (7) Boards and entities authorized to participate in  
29 the trust fund are district school boards, the community  
30 college district boards of trustees, the Trustees of the  
31 Florida School for the Deaf and the Blind, the Board of

1 Regents, charter schools only if eligible pursuant to s.  
2 228.0561(6), and other units of the state system of public  
3 education, and other educational entities defined in s.  
4 228.041 for which funds are authorized by the Legislature.  
5 Section 3. This act shall take effect July 1, 1999.

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8 LEGISLATIVE SUMMARY

9  
10 Removes specific references to the Public Education  
11 Capital Outlay and Debt Service Trust Fund regarding  
12 funds appropriated to charter schools for capital outlay  
13 purposes. Specifies that funds appropriated for charter  
14 schools capital outlay purposes will be deposited in the  
15 General Revenue Fund. Removes language related to school  
16 district sharing of capital outlay funds with charter  
17 schools. Revises requirements relating to charter school  
18 use of capital outlay funds. Revises eligibility  
19 requirements for charter school receipt of capital outlay  
20 funds. Removes obsolete language regarding an  
21 appropriation.  
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