



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

1 commissioner shall establish the intervals and procedures for  
2 determining the projected and actual student enrollment of  
3 eligible charter schools. If a school district chooses to  
4 share funding for the capital outlay purposes described in  
5 subsection (2) with the applicable charter school or charter  
6 schools, any allocation of charter school capital outlay funds  
7 ~~from the Public Education Capital Outlay and Debt Service~~  
8 ~~Trust Fund allocation~~ to the charter school or charter schools  
9 shall be reduced by the amount shared.

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

16 (a) Purchase of real property.

17 (b) Construction, renovation, repair, and maintenance  
18 of school facilities.

19 (c) Purchase, lease-purchase, or lease of permanent or  
20 relocatable school facilities.

21 (d) Purchase of vehicles to transport students to and  
22 from the charter school.

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

30 (6)(a) ~~Effective July 1, 1998, any charter school~~  
31 ~~which has been in continuous operation in the district in~~

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

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

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

23       (7) A school district that levies any part of the  
24 discretionary 2 mills for capital improvement authorized in s.  
25 236.25(2), shall determine the amount of proceeds which is not  
26 required for certificates of participation payments. The  
27 district shall divide this amount by the total K-12 student  
28 FTE membership to determine the average dollars per student.  
29 If a district school board has approved a municipal charter  
30 school, it shall annually provide to the municipal charter  
31 school an amount equal to the number of students in the

1 municipal charter times the average per student share of these  
2 funds.

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

5 235.42 Educational and ancillary plant construction  
6 funds; Public Education Capital Outlay and Debt Service Trust  
7 Fund; allocation of funds.--

8 (7) Boards and entities authorized to participate in  
9 the trust fund are district school boards, the community  
10 college district boards of trustees, the Trustees of the  
11 Florida School for the Deaf and the Blind, the Board of  
12 Regents, ~~charter schools only if eligible pursuant to s.~~  
13 ~~228.0561(6)~~, and other units of the state system of public  
14 education, and other educational entities defined in s.  
15 228.041 for which funds are authorized by the Legislature.

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

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19 HOUSE SUMMARY

20  
21 Removes specific references to the Public Education  
22 Capital Outlay and Debt Service Trust Fund regarding  
23 funds appropriated to charter schools for capital outlay  
24 purposes. Transfers authority for written agreements  
25 relating to lien provisions. Specifies that funds  
26 appropriated for charter schools capital outlay purposes  
27 will be deposited in the General Revenue Fund. Revises  
28 the funding allocation calculation for charter schools.  
29 Revises requirements relating to charter school use of  
30 capital outlay funds. Revises eligibility requirements  
31 for charter school receipt of capital outlay funds.  
Removes obsolete language regarding an appropriation.  
Provides additional capital funding to municipal charter  
schools. Removes a reference to charter schools from  
provisions regarding educational and ancillary plant  
construction funds.