

By Representative Attkisson

1 A bill to be entitled
2 An act relating to charter school facilities
3 funding; amending s. 228.0561, F.S.; providing
4 credits toward impact fees for contributions of
5 charter school facilities or land by
6 developers; correcting cross references;
7 deleting a redundant provision; providing an
8 effective date.

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

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12 Section 1. Section 228.0561, Florida Statutes, is
13 amended to read:

14 228.0561 Charter schools capital outlay funding;
15 impact fee credits.--

16 ~~(1)~~ In each year in which funds are appropriated for
17 charter school capital outlay purposes, the Commissioner of
18 Education shall allocate the funds among eligible charter
19 schools.

20 (1) ELIGIBILITY.--To be eligible for a funding
21 allocation, a charter school must:

22 (a) Meet the requirements of s. 228.056.~~provisions of~~
23 ~~subsection (6),~~

24 (b) ~~must~~ Have received final approval from its sponsor
25 pursuant to s. 228.056 for operation during that fiscal year.7
26 ~~and~~

27 (c) ~~must~~ Serve students in facilities that are not
28 provided by the charter school's sponsor.

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30 A charter school is not eligible for a funding allocation if
31 it was created by the conversion of a public school and

1 operates in facilities provided by the charter school's
2 sponsor for a nominal fee or at no charge.

3 (2) REVERSION AGREEMENT.--Prior to the release of
4 capital outlay funds to a school district on behalf of the
5 charter school, the Department of Education shall ensure that
6 the district school board and the charter school governing
7 board enter into a written agreement that includes provisions
8 for the reversion of any unencumbered funds and all equipment
9 and property purchased with public education funds to the
10 ownership of the district school board, as provided for in
11 subsection(6)~~(3)~~, in the event that the school terminates
12 operations. Any funds recovered by the state shall be
13 deposited in the General Revenue Fund. ~~A charter school is not~~
14 ~~eligible for a funding allocation if it was created by the~~
15 ~~conversion of a public school and operates in facilities~~
16 ~~provided by the charter school's sponsor for a nominal fee or~~
17 ~~at no charge.~~

18 (3) FUNDING CALCULATION; DISTRIBUTION.--Unless
19 otherwise provided in the General Appropriations Act, the
20 funding allocation for each eligible charter school shall be
21 determined by multiplying the school's projected student
22 enrollment by one-fifteenth of the cost-per-student station
23 specified in s. 235.435(6)(b) for an elementary, middle, or
24 high school, as appropriate. If the funds appropriated are not
25 sufficient, the commissioner shall prorate the available funds
26 among eligible charter schools. Funds shall be distributed on
27 the basis of the capital outlay full-time equivalent
28 membership by grade level, which shall be calculated by
29 averaging the results of the second and third enrollment
30 surveys. Sixty percent of the funds shall be distributed after
31 the second enrollment survey, and the balance shall be

1 distributed after the third enrollment survey. The
2 commissioner shall adjust subsequent distributions as
3 necessary to reflect each charter school's actual student
4 enrollment. The commissioner shall establish the intervals and
5 procedures for determining the projected and actual student
6 enrollment of eligible charter schools.

7 ~~(4)(2)~~ USE OF FUNDS.--A charter school's governing
8 body may use charter school capital outlay funds for any
9 capital outlay purpose that is directly related to the
10 functioning of the charter school, including the:

11 (a) Purchase of real property.

12 (b) Construction, renovation, repair, and maintenance
13 of school facilities.

14 (c) Purchase, lease-purchase, or lease of permanent or
15 relocatable school facilities.

16 (d) Purchase of vehicles to transport students to and
17 from the charter school.

18 (5) CHARTER SCHOOL CONSTRUCTION CREDITS.--Any
19 developer who is subject by local ordinance to school impact
20 fees or extractions to meet the same needs and who constructs
21 a facility to be used for a charter school, shall receive
22 school impact fee credits to be applied by the developer as a
23 credit toward school impact fees in the county where the
24 facility is constructed. The school impact fee credit shall
25 be based upon the number of student stations and maximum cost
26 per student station that the charter school facility creates.
27 Student stations must be built to the quality standards that
28 the SMART Schools Clearinghouse applies in evaluating schools
29 for SIT Awards released annually by the clearinghouse to
30 calculate the 100 percent credit to the developer. The local
31 government shall establish and implement a procedure that

1 credits a developer who qualifies to receive school impact fee
2 credits. The developer shall have the responsibility to use
3 the school impact fee credits for the impacts caused by such
4 development. School impact fee credits may be transferred to
5 other entities and developers, upon notification of transfer
6 to the local government. If the number of school impact fee
7 credits issued by a local government is double the revenue
8 generated by impact fees or extractions in any given fiscal
9 year, impact fees in that jurisdiction are waived for the
10 following fiscal year. The developer need not be required, by
11 virtue of this credit, to competitively bid or negotiate any
12 part of the construction or design of the facility, unless
13 otherwise requested by the local government.

14 (6)(3) REVERSION OF FUNDS.--When a charter school is
15 nonrenewed or terminated, any unencumbered funds and all
16 equipment and property purchased with district public funds
17 shall revert to the ownership of the district school board, as
18 provided for in s. 228.056(10)(e) and (f). In the case of a
19 developmental research school established pursuant to s.
20 228.053 to which a charter has been issued, any unencumbered
21 funds and all equipment and property purchased with university
22 public funds shall revert to the ownership of the state
23 university that issued the charter. The reversion of such
24 equipment, property, and furnishings shall focus on
25 recoverable assets, but not on intangible or irrecoverable
26 costs such as rental or leasing fees, normal maintenance, and
27 limited renovations. The reversion of all property secured
28 with public funds is subject to the complete satisfaction of
29 all lawful liens or encumbrances. If there are additional
30 local issues such as the shared use of facilities or partial
31 ownership of facilities or property, these issues shall be

1 agreed to in the charter contract prior to the expenditure of
2 funds.

3 (7)~~(4)~~ REQUESTS FOR FUNDING.--The Commissioner of
4 Education shall specify procedures for submitting and
5 approving requests for funding under this section and
6 procedures for documenting expenditures.

7 (8)~~(5)~~ LEGISLATIVE BUDGET REQUEST.--The annual
8 legislative budget request of the Department of Education
9 shall include a request for capital outlay funding for charter
10 schools. The request shall be based on the projected number of
11 students to be served in charter schools who meet the
12 eligibility requirements of this section.

13 ~~(6) Unless authorized otherwise by the Legislature,~~
14 ~~allocation and proration of charter school capital outlay~~
15 ~~funds shall be made to eligible charter schools by the~~
16 ~~Commissioner of Education in an amount and in a manner~~
17 ~~authorized by subsection (1).~~

18 Section 2. This act shall take effect July 1, 2001.

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21 HOUSE SUMMARY

22 Provides credits toward impact fees for contributions of
23 charter school facilities or land by developers. Corrects
24 cross references. Deletes a redundant provision.

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