

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens offered the following:

2  
3 **Amendment (with title amendment)**

4 Between line(s) 427 and 428 insert:

5 Section 8. Subsections (1) and (7) of section 1013.62,  
6 Florida Statutes, are amended to read:

7 1013.62 Charter schools capital outlay funding.--

8 (1) In each year in which funds are appropriated for  
9 charter school capital outlay purposes, the Commissioner of  
10 Education shall allocate the funds among eligible charter  
11 schools. To be eligible for a funding allocation, a charter  
12 school must:

13 (a)1. Have been in operation for 3 or more years;

14 2. Be an expanded feeder chain of a charter school within  
15 the same school district that is currently receiving charter  
16 school capital outlay funds; or

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17           3. Have been accredited by the Commission on Schools of  
18 the Southern Association of Colleges and Schools.

19           (b) Have financial stability for future operation as a  
20 charter school.

21           (c) Have satisfactory student achievement based on state  
22 accountability standards applicable to the charter school.

23           (d) Have received final approval from its sponsor pursuant  
24 to s. 1002.33 for operation during that fiscal year.

25           (e) Serve students in facilities that are not provided by  
26 the charter school's sponsor.

27  
28 The first priority for charter school capital outlay funding  
29 shall be to allocate to the charter schools that received  
30 funding in the 2005-2006 fiscal year an allocation of the same  
31 amount per capital outlay full-time equivalent student up to the  
32 lesser of the actual number of capital outlay full-time  
33 equivalent students in the current year or the capital outlay  
34 full-time equivalent students in the 2005-2006 fiscal year.

35 After calculating the first priority, the second priority shall  
36 be to allocate excess funds remaining in the appropriation in an  
37 amount equal to the per capital outlay full-time equivalent  
38 student amount in the first priority calculation to eligible  
39 charter schools not included in the first priority calculation  
40 and to schools in the first priority calculation with growth in  
41 excess of the 2005-2006 capital outlay full-time equivalent  
42 students. After calculating the first and second priorities,  
43 excess funds remaining in the appropriation shall be allocated  
44 to all eligible charter schools. A charter school's allocation  
45 shall not exceed one-fifteenth of the cost per student station

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46 specified in s. 1013.64(6)(b). Prior to the release of capital  
47 outlay funds to a school district on behalf of the charter  
48 school, the Department of Education shall ensure that the  
49 district school board and the charter school governing board  
50 enter into a written agreement that includes provisions for the  
51 reversion of any unencumbered funds and all equipment and  
52 property purchased with public education funds to the ownership  
53 of the district school board, as provided for in subsection (3),  
54 in the event that the school terminates operations. Any funds  
55 recovered by the state shall be deposited in the General Revenue  
56 Fund. A charter school is not eligible for a funding allocation  
57 if it was created by the conversion of a public school and  
58 operates in facilities provided by the charter school's sponsor  
59 for a nominal fee or at no charge or if it is directly or  
60 indirectly operated by the school district. Unless otherwise  
61 provided in the General Appropriations Act, the funding  
62 allocation for each eligible charter school shall be determined  
63 by multiplying the school's projected student enrollment by one-  
64 fifteenth of the cost-per-student station specified in s.  
65 1013.64(6)(b) for an elementary, middle, or high school, as  
66 appropriate. If the funds appropriated are not sufficient, the  
67 commissioner shall prorate the available funds among eligible  
68 charter schools. However, no charter school or charter lab  
69 school shall receive state charter school capital outlay funds  
70 in excess of the one-fifteenth cost per student station formula  
71 if the charter school's combination of state charter school  
72 capital outlay funds, capital outlay funds calculated through  
73 the reduction in the administrative fee provided in s.  
74 1002.33(20), and capital outlay funds allowed in s.

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75 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student  
76 station formula. Funds shall be distributed on the basis of the  
77 capital outlay full-time equivalent membership by grade level,  
78 which shall be calculated by averaging the results of the second  
79 and third enrollment surveys. The Department of Education shall  
80 distribute capital outlay funds monthly, beginning in the first  
81 quarter of the fiscal year, based on one-twelfth of the amount  
82 the department reasonably expects the charter school to receive  
83 during that fiscal year. The commissioner shall adjust  
84 subsequent distributions as necessary to reflect each charter  
85 school's actual student enrollment as reflected in the second  
86 and third enrollment surveys. The commissioner shall establish  
87 the intervals and procedures for determining the projected and  
88 actual student enrollment of eligible charter schools.

89 ~~(7) Notwithstanding the provisions of this section,~~  
90 ~~beginning in the 2003-2004 fiscal year:~~

91 ~~(a) If the appropriation for charter school capital outlay~~  
92 ~~funds is no greater than the 2002-2003 appropriation, the funds~~  
93 ~~shall be allocated according to the formula outlined in~~  
94 ~~subsection (1) to:~~

95 ~~1. The same schools that received funding in 2002-2003.~~

96 ~~2. Schools that are an expanded feeder pattern of schools~~  
97 ~~that received funding in 2002-2003.~~

98 ~~3. Schools that have an approved charter and are serving~~  
99 ~~students at the start of the 2003-2004 school year and either~~  
100 ~~incurred long term financial obligations prior to January 31,~~  
101 ~~2003, or began construction on educational facilities prior to~~  
102 ~~December 31, 2002.~~

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103 ~~(b) If the appropriation for charter school capital outlay~~  
104 ~~funds is less than the 2002-2003 appropriation, the funds shall~~  
105 ~~be prorated among the schools eligible in paragraph (a).~~

106 ~~(c) If the appropriation for charter school capital outlay~~  
107 ~~funds is greater than the 2002-2003 appropriation, the amount of~~  
108 ~~funds provided in the 2002-2003 appropriation shall be allocated~~  
109 ~~according to paragraph (a). First priority for allocating the~~  
110 ~~amount in excess of the 2002-2003 appropriation shall be to~~  
111 ~~prorate the excess funds among the charter schools with long-~~  
112 ~~term debt or long term lease to the extent that the initial~~  
113 ~~allocation is insufficient to provide one-fifteenth of the cost~~  
114 ~~per student station specified in s. 1013.64(6)(b), and second~~  
115 ~~priority shall be to other eligible charter schools.~~

116  
117 ===== T I T L E A M E N D M E N T =====

118 Remove line(s) 20 and insert:  
119 year final taxable value; amending s. 1013.62, F.S.; revising  
120 charter school capital outlay funding eligibility criteria and  
121 allocation of funds; amending s. 1013.64, F.S.;