

1                   A bill to be entitled  
2           An act relating to education funding; amending s. 201.15,  
3           F.S.; revising the use of excise taxes on documents  
4           distributed to the Public Education Capital Outlay and  
5           Debt Service Trust Fund; amending s. 551.106, F.S.;  
6           allowing slot machine tax revenue to be made available for  
7           bond payments if necessary to comply with bond covenants;  
8           amending s. 1001.451, F.S.; authorizing regional  
9           consortium service organizations to determine the use of  
10          funds; specifying the time period for distribution of  
11          funds; amending s. 1003.03, F.S.; revising the schedule of  
12          the implementation of class size compliance at the  
13          district and school levels; amending s. 1009.535, F.S.;  
14          increasing the award for Florida Medallion Scholars  
15          enrolled in community college associate degree programs;  
16          amending s. 1011.62, F.S.; revising provisions relating to  
17          the funding computation of special programs; authorizing  
18          additional full-time equivalent membership for the Florida  
19          Virtual School; revising provisions relating to the prior  
20          year final taxable value; amending s. 1013.62, F.S.;  
21          revising charter school capital outlay funding eligibility  
22          criteria and allocation of funds; amending s. 1013.64,  
23          F.S.; revising construction cost maximums for school  
24          district capital outlay projects; revising programs the  
25          funds of which must meet the construction cost maximums;  
26          conforming provisions; creating s. 1013.734, F.S.;  
27          establishing the Class Size Reduction Construction  
28          Completion Program; providing for the allocation of funds;

29 providing requirements for district participation in the  
 30 program; providing for use of the funds; amending s.  
 31 1013.738, F.S.; conforming provisions; creating s.  
 32 1013.739, F.S.; establishing the Classroom Capacity  
 33 Assistance Grant Program; providing for the allocation of  
 34 funds; providing requirements for district participation  
 35 in the program; providing for use of the funds; providing  
 36 effective dates.

37

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

39

40 Section 1. Paragraph (d) of subsection (1) of section  
 41 201.15, Florida Statutes, is amended to read:

42 201.15 Distribution of taxes collected.--All taxes  
 43 collected under this chapter shall be distributed as follows and  
 44 shall be subject to the service charge imposed in s. 215.20(1),  
 45 except that such service charge shall not be levied against any  
 46 portion of taxes pledged to debt service on bonds to the extent  
 47 that the amount of the service charge is required to pay any  
 48 amounts relating to the bonds:

49 (1) Sixty-two and sixty-three hundredths percent of the  
 50 remaining taxes collected under this chapter shall be used for  
 51 the following purposes:

52 (d) The remainder of the moneys distributed under this  
 53 subsection, after the required payments under paragraphs (a),  
 54 (b), and (c), shall be paid into the State Treasury to the  
 55 credit of:

56 1. The State Transportation Trust Fund in the Department

57 of Transportation in the amount of \$541.75 million in each  
 58 fiscal year, to be paid in quarterly installments and used for  
 59 the following specified purposes, notwithstanding any other law  
 60 to the contrary:

61 a. For the purposes of capital funding for the New Starts  
 62 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 63 specified in s. 341.051, 10 percent of these funds;

64 b. For the purposes of the Small County Outreach Program  
 65 specified in s. 339.2818, 5 percent of these funds;

66 c. For the purposes of the Strategic Intermodal System  
 67 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 68 of these funds after allocating for the New Starts Transit  
 69 Program described in sub-subparagraph a. and the Small County  
 70 Outreach Program described in sub-subparagraph b.; and

71 d. For the purposes of the Transportation Regional  
 72 Incentive Program specified in s. 339.2819, 25 percent of these  
 73 funds after allocating for the New Starts Transit Program  
 74 described in sub-subparagraph a. and the Small County Outreach  
 75 Program described in sub-subparagraph b.

76 2. The Water Protection and Sustainability Program Trust  
 77 Fund in the Department of Environmental Protection in the amount  
 78 of \$100 million in each fiscal year, to be paid in quarterly  
 79 installments and used as required by s. 403.890.

80 3. The Public Education Capital Outlay and Debt Service  
 81 Trust Fund in the Department of Education in the amount of \$105  
 82 million in each fiscal year, to be paid in monthly installments  
 83 for the purpose of funding the Classroom Capacity Assistance  
 84 Grant Program established pursuant to s. 1013.739 with ~~\$75~~

85 ~~million used to fund the Classrooms for Kids Program created in~~  
86 ~~s. 1013.735, and \$30 million to be used to fund the High Growth~~  
87 ~~County District Capital Outlay Assistance Grant Program created~~  
88 ~~in s. 1013.738. If required, new facilities constructed under~~  
89 ~~the Classrooms for Kids Program must meet the requirements of s.~~  
90 ~~1013.372.~~

91 4. The Grants and Donations Trust Fund in the Department  
92 of Community Affairs in the amount of \$3.25 million in each  
93 fiscal year to be paid in monthly installments, with \$3 million  
94 to be used to fund technical assistance to local governments and  
95 school boards on the requirements and implementation of this act  
96 and \$250,000 to be used to fund the Century Commission  
97 established in s. 163.3247.

98  
99 Moneys distributed pursuant to this paragraph may not be pledged  
100 for debt service unless such pledge is approved by referendum of  
101 the voters.

102 Section 2. Effective July 1, 2007, paragraph (d) of  
103 subsection (1) of section 201.15, Florida Statutes, as amended  
104 by chapter 2005-92, Laws of Florida, is amended to read:

105 201.15 Distribution of taxes collected.--All taxes  
106 collected under this chapter shall be distributed as follows and  
107 shall be subject to the service charge imposed in s. 215.20(1),  
108 except that such service charge shall not be levied against any  
109 portion of taxes pledged to debt service on bonds to the extent  
110 that the amount of the service charge is required to pay any  
111 amounts relating to the bonds:

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 113 remaining taxes collected under this chapter shall be used for  
 114 the following purposes:

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 116 subsection, after the required payments under paragraphs (a),  
 117 (b), and (c), shall be paid into the State Treasury to the  
 118 credit of:

119 1. The State Transportation Trust Fund in the Department  
 120 of Transportation in the amount of \$541.75 million in each  
 121 fiscal year, to be paid in quarterly installments and used for  
 122 the following specified purposes, notwithstanding any other law  
 123 to the contrary:

124 a. For the purposes of capital funding for the New Starts  
 125 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 126 specified in s. 341.051, 10 percent of these funds;

127 b. For the purposes of the Small County Outreach Program  
 128 specified in s. 339.2818, 5 percent of these funds;

129 c. For the purposes of the Strategic Intermodal System  
 130 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 131 of these funds after allocating for the New Starts Transit  
 132 Program described in sub-subparagraph a. and the Small County  
 133 Outreach Program described in sub-subparagraph b.; and

134 d. For the purposes of the Transportation Regional  
 135 Incentive Program specified in s. 339.2819, 25 percent of these  
 136 funds after allocating for the New Starts Transit Program  
 137 described in sub-subparagraph a. and the Small County Outreach  
 138 Program described in sub-subparagraph b.

139 2. The Water Protection and Sustainability Program Trust

140 Fund in the Department of Environmental Protection in the amount  
 141 of \$100 million in each fiscal year, to be paid in quarterly  
 142 installments and used as required by s. 403.890.

143 3. The Public Education Capital Outlay and Debt Service  
 144 Trust Fund in the Department of Education in the amount of \$105  
 145 million in each fiscal year, to be paid in monthly installments  
 146 for the purpose of funding the Classroom Capacity Assistance  
 147 Grant Program established pursuant to s. 1013.739 ~~with \$75~~  
 148 ~~million used to fund the Classrooms for Kids Program created in~~  
 149 ~~s. 1013.735, and \$30 million to be used to fund the High Growth~~  
 150 ~~County District Capital Outlay Assistance Grant Program created~~  
 151 ~~in s. 1013.738. If required, new facilities constructed under~~  
 152 ~~the Classrooms for Kids Program must meet the requirements of s.~~  
 153 ~~1013.372.~~

154 4. The Grants and Donations Trust Fund in the Department  
 155 of Community Affairs in the amount of \$3.25 million in each  
 156 fiscal year to be paid in monthly installments, with \$3 million  
 157 to be used to fund technical assistance to local governments and  
 158 school boards on the requirements and implementation of this act  
 159 and \$250,000 to be used to fund the Century Commission  
 160 established in s. 163.3247.

161  
 162 Moneys distributed pursuant to this paragraph may not be pledged  
 163 for debt service unless such pledge is approved by referendum of  
 164 the voters.

165 Section 3. Paragraph (c) of subsection (2) of section  
 166 551.106, Florida Statutes, is amended to read:

167 551.106 License fee; tax rate; penalties.--

168 (2) TAX ON SLOT MACHINE REVENUES.--

169 (c)1. Funds transferred to the Educational Enhancement  
 170 Trust Fund under paragraph (b) shall be used to supplement  
 171 public education funding statewide and shall not be used for  
 172 recurring appropriations.

173 2. If necessary to comply with any covenant established  
 174 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
 175 funds transferred to the Educational Enhancement Trust Fund  
 176 under paragraph (b) shall first be available to pay debt service  
 177 on lottery bonds issued to fund school construction in the event  
 178 lottery revenues are insufficient for such purpose or to satisfy  
 179 debt service reserve requirements established in connection with  
 180 lottery bonds. Moneys available pursuant to this subparagraph  
 181 are subject to annual appropriation by the Legislature.

182 Section 4. Paragraph (a) of subsection (2) of section  
 183 1001.451, Florida Statutes, is amended to read:

184 1001.451 Regional consortium service organizations.--In  
 185 order to provide a full range of programs to larger numbers of  
 186 students, minimize duplication of services, and encourage the  
 187 development of new programs and services:

188 (2) (a) Each regional consortium service organization that  
 189 consists of four or more school districts is eligible to  
 190 receive, through the Department of Education, an incentive grant  
 191 of \$50,000 per school district and eligible member to be used  
 192 for the delivery of services within the participating school  
 193 districts. The determination of services and use of such funds  
 194 shall be established by the board of directors of the regional  
 195 consortium service organization. The funds shall be distributed

196 to each regional consortium service organization no later than  
 197 30 days following the release of the funds to the department.

198 Section 5. Paragraph (b) of subsection (2) of section  
 199 1003.03, Florida Statutes, is amended to read:

200 1003.03 Maximum class size.--

201 (2) IMPLEMENTATION.--

202 (b) Determination of the number of students per classroom  
 203 in paragraph (a) shall be calculated as follows:

204 1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~,  
 205 the calculation for compliance for each of the 3 grade groupings  
 206 shall be the average at the district level.

207 2. For fiscal year ~~years 2006-2007~~ through 2007-2008, the  
 208 calculation for compliance for each of the 3 grade groupings  
 209 shall be the average at the school level.

210 3. For fiscal years 2008-2009, 2009-2010, and thereafter,  
 211 the calculation for compliance shall be at the individual  
 212 classroom level.

213 Section 6. Subsection (2) of section 1009.535, Florida  
 214 Statutes, is amended to read:

215 1009.535 Florida Medallion Scholars award.--

216 (2) A Florida Medallion Scholar is eligible for an award  
 217 equal to the amount required to pay 75 percent of tuition and  
 218 fees, if the student is enrolled in a state university or a  
 219 baccalaureate degree program authorized pursuant to s. 1007.33.

220 A Florida Medallion Scholar is eligible for an award equal to  
 221 the amount required to pay 100 percent of tuition and fees for  
 222 college credit courses leading to an associate degree if the  
 223 student is enrolled in a community college ~~public postsecondary~~



224 ~~education institution~~. A student who is enrolled in a nonpublic  
 225 postsecondary education institution is eligible for an award  
 226 equal to the amount that would be required to pay 75 percent of  
 227 the tuition and fees of a public postsecondary education  
 228 institution at the comparable level.

229 Section 7. Effective June 1, 2006, or if this act fails to  
 230 become a law until after that date, effective upon this act  
 231 becoming a law and operating retroactively to June 1, 2006,  
 232 paragraph (d) of subsection (1), paragraphs (a) and (b) of  
 233 subsection (4), and paragraph (b) of subsection (9) of section  
 234 1011.62, Florida Statutes, are amended, paragraphs (o), (p),  
 235 (q), and (r) of subsection (1) are redesignated as paragraphs  
 236 (p), (q), (r), and (s), respectively, and a new paragraph (o) is  
 237 added to that subsection, to read:

238 1011.62 Funds for operation of schools.--If the annual  
 239 allocation from the Florida Education Finance Program to each  
 240 district for operation of schools is not determined in the  
 241 annual appropriations act or the substantive bill implementing  
 242 the annual appropriations act, it shall be determined as  
 243 follows:

244 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 245 OPERATION.--The following procedure shall be followed in  
 246 determining the annual allocation to each district for  
 247 operation:

248 (d) Annual allocation calculation.--

249 1. The Department of Education is authorized and directed  
 250 to review all district programs and enrollment projections and

251 calculate a maximum total weighted full-time equivalent student  
 252 enrollment for each district for the K-12 FEFP.

253 2. Maximum enrollments calculated by the department shall  
 254 be derived from enrollment estimates used by the Legislature to  
 255 calculate the FEFP. If two or more districts enter into an  
 256 agreement under the provisions of s. 1001.42(4)(d), after the  
 257 final enrollment estimate is agreed upon, the amount of FTE  
 258 specified in the agreement, not to exceed the estimate for the  
 259 specific program as identified in paragraph (c), may be  
 260 transferred from the participating districts to the district  
 261 providing the program.

262 3. As part of its calculation of each district's maximum  
 263 total weighted full-time equivalent student enrollment, the  
 264 department shall establish separate enrollment ceilings for each  
 265 of two program groups. Group 1 shall be composed of basic  
 266 programs for grades K-3, grades 4-8, and grades 9-12. Group 2  
 267 shall be composed of students in exceptional student education  
 268 programs support levels IV and V, English for Speakers of Other  
 269 Languages programs, and all career programs in grades 9-12 ~~7-12~~.

270 a. For any calculation of the FEFP, the enrollment ceiling  
 271 for group 1 shall be calculated by multiplying the actual  
 272 enrollment for each program in the program group by its  
 273 appropriate program weight.

274 ~~b.a.~~ The weighted enrollment ceiling for group 2 programs  
 275 shall be calculated by multiplying the ~~final~~ enrollment  
 276 ~~conference estimate~~ for each program by the appropriate program  
 277 weight as provided in the General Appropriations Act. The  
 278 weighted enrollment ceiling for program group 2 shall be the sum

279 of the weighted enrollment ceilings for each program in the  
 280 program group, plus the increase in weighted full-time  
 281 equivalent student membership from the prior year for clients of  
 282 the Department of Children and Family Services and the  
 283 Department of Juvenile Justice.

284 ~~c.b.~~ If, for any calculation of the FEFP, the weighted  
 285 enrollment for program group 2, derived by multiplying actual  
 286 enrollments by appropriate program weights, exceeds the  
 287 enrollment ceiling for that group, the following procedure shall  
 288 be followed to reduce the weighted enrollment for that group to  
 289 equal the enrollment ceiling:

290 (I) The weighted enrollment ceiling for each program in  
 291 the program group shall be subtracted from the weighted  
 292 enrollment for that program derived from actual enrollments.

293 (II) If the difference calculated under sub-sub-  
 294 subparagraph (I) is greater than zero for any program, a  
 295 reduction proportion shall be computed for the program by  
 296 dividing the absolute value of the difference by the total  
 297 amount by which the weighted enrollment for the program group  
 298 exceeds the weighted enrollment ceiling for the program group.

299 (III) The reduction proportion calculated under sub-sub-  
 300 subparagraph (II) shall be multiplied by the total amount of the  
 301 program group's enrollment over the ceiling as calculated under  
 302 sub-sub-subparagraph (I).

303 (IV) The prorated reduction amount calculated under sub-  
 304 sub-subparagraph (III) shall be subtracted from the program's  
 305 weighted enrollment to produce a revised program weighted  
 306 enrollment. ~~For any calculation of the FEFP, the enrollment~~

307 ~~ceiling for group 1 shall be calculated by multiplying the~~  
308 ~~actual enrollment for each program in the program group by its~~  
309 ~~appropriate program weight.~~

310 (V) The prorated reduction amount calculated under sub-  
311 sub-subparagraph (III) shall be divided by the appropriate  
312 program weight and the result shall be added to the revised  
313 program weighted enrollment computed in sub-sub-subparagraph  
314 (IV).

315 ~~e. For program group 2, the weighted enrollment ceiling~~  
316 ~~shall be a number not less than the sum obtained by:~~

317 ~~(I) Multiplying the sum of reported FTE for all programs~~  
318 ~~in the program group that have a cost factor of 1.0 or more by~~  
319 ~~1.0, and~~

320 ~~(II) By adding this number to the sum obtained by~~  
321 ~~multiplying the projected FTE for all programs with a cost~~  
322 ~~factor less than 1.0 by the actual cost factor.~~

323 ~~4. Following completion of the weighted enrollment ceiling~~  
324 ~~calculation as provided in subparagraph 3., a supplemental~~  
325 ~~capping calculation shall be employed for those districts that~~  
326 ~~are over their weighted enrollment ceiling. For each such~~  
327 ~~district, the total reported unweighted FTE enrollment for group~~  
328 ~~2 programs shall be compared with the total appropriated~~  
329 ~~unweighted FTE enrollment for group 2 programs. If the total~~  
330 ~~reported unweighted FTE for group 2 is greater than the~~  
331 ~~appropriated unweighted FTE, then the excess unweighted FTE up~~  
332 ~~to the unweighted FTE transferred from group 2 to group 1 for~~  
333 ~~each district by the Public School FTE Estimating Conference~~

334 ~~shall be funded at a weight of 1.0 and added to the funded~~  
 335 ~~weighted FTE computed in subparagraph 3.~~

336 (o) Calculation of additional full-time equivalent  
 337 membership for the Florida Virtual School.--The total reported  
 338 full-time equivalent student membership for the Florida Virtual  
 339 School shall be multiplied by 0.114 and such value shall be  
 340 added to the total full-time equivalent student membership.

341 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The  
 342 Legislature shall prescribe the aggregate required local effort  
 343 for all school districts collectively as an item in the General  
 344 Appropriations Act for each fiscal year. The amount that each  
 345 district shall provide annually toward the cost of the Florida  
 346 Education Finance Program for kindergarten through grade 12  
 347 programs shall be calculated as follows:

348 (a) Estimated taxable value calculations.--

349 1.a. Not later than 2 working days prior to July 19, the  
 350 Department of Revenue shall certify to the Commissioner of  
 351 Education its most recent estimate of the taxable value for  
 352 school purposes in each school district and the total for all  
 353 school districts in the state for the current calendar year  
 354 based on the latest available data obtained from the local  
 355 property appraisers. Not later than July 19, the Commissioner of  
 356 Education shall compute a millage rate, rounded to the next  
 357 highest one one-thousandth of a mill, which, when applied to 95  
 358 percent of the estimated state total taxable value for school  
 359 purposes, would generate the prescribed aggregate required local  
 360 effort for that year for all districts. The Commissioner of  
 361 Education shall certify to each district school board the

362 millage rate, computed as prescribed in this subparagraph, as  
 363 the minimum millage rate necessary to provide the district  
 364 required local effort for that year.

365       b. The General Appropriations Act shall direct the  
 366 computation of the statewide adjusted aggregate amount for  
 367 required local effort for all school districts collectively from  
 368 ad valorem taxes to ensure that no school district's revenue  
 369 from required local effort millage will produce more than 90  
 370 percent of the district's total Florida Education Finance  
 371 Program calculation, and the adjustment of the required local  
 372 effort millage rate of each district that produces more than 90  
 373 percent of its total Florida Education Finance Program  
 374 entitlement to a level that will produce only 90 percent of its  
 375 total Florida Education Finance Program entitlement in the July  
 376 calculation.

377       2. As revised data are received from property appraisers,  
 378 the Department of Revenue shall amend the certification of the  
 379 estimate of the taxable value for school purposes. ~~The~~  
 380 ~~Commissioner of Education, in administering the provisions of~~  
 381 ~~subparagraph (9)(a)2., shall use the most recent taxable value~~  
 382 ~~for the appropriate year.~~

383       (b) Final calculation.--

384       1. On September 1 of each year, the Department of Revenue  
 385 shall, ~~upon receipt of the official final assessed value of~~  
 386 ~~property from each of the property appraisers,~~ certify to the  
 387 Commissioner of Education the total of the prior year final  
 388 taxable value total for school purposes in each school district  
 389 and the total for all school districts in the state, ~~subject to~~

390 ~~the provisions of paragraph (d).~~ The commissioner shall use the  
391 ~~official~~ final taxable value certified on September 1 for school  
392 purposes for each school district in the final calculation of  
393 the annual Florida Education Finance Program allocations.

394 2. For ~~the~~ purposes of this paragraph, the official final  
395 taxable value for school purposes shall be the taxable value for  
396 school purposes on which the tax bills are computed and mailed  
397 to the taxpayers, adjusted to reflect final administrative  
398 actions of value adjustment boards and judicial decisions  
399 pursuant to ~~part I of~~ chapter 194. ~~By September 1 of each year,~~  
400 ~~the Department of Revenue shall certify to the commissioner the~~  
401 ~~official prior year final taxable value for school purposes.~~ For  
402 each county that has not submitted a revised tax roll reflecting  
403 final value adjustment board actions and final judicial  
404 decisions, the Department of Revenue shall certify the most  
405 recent revision of the official taxable value for school  
406 purposes. The ~~certified~~ value certified on September 1 shall be  
407 the final taxable value for school purposes for that year, and  
408 no further adjustments shall be made, except those made pursuant  
409 to paragraph (9) (b) ~~subparagraph (9) (a) 2~~.

410 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
411 CURRENT OPERATION.--The total annual state allocation to each  
412 district for current operation for the FEFP shall be distributed  
413 periodically in the manner prescribed in the General  
414 Appropriations Act.

415 (b) The amount thus obtained shall be the net annual  
416 allocation to each school district. However, if it is determined  
417 that any school district received an underallocation or

418 overallocation for any prior year because of an arithmetical  
419 error, assessment roll change required by final judicial  
420 decision, full-time equivalent student membership error, or any  
421 allocation error revealed in an audit report, the allocation to  
422 that district shall be appropriately adjusted. Beginning with  
423 audits for the 2001-2002 fiscal year, if the adjustment is the  
424 result of an audit finding in which group 2 FTE are reclassified  
425 to the basic program and the district weighted FTE are over the  
426 weighted enrollment ceiling for group 2 programs, the adjustment  
427 shall not result in a gain of state funds to the district. If  
428 the Department of Education audit adjustment recommendation is  
429 based upon controverted findings of fact, the Commissioner of  
430 Education is authorized to establish the amount of the  
431 adjustment based on the best interests of the state.

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

434 1013.62 Charter schools capital outlay funding.--

435 (1) In each year in which funds are appropriated for  
436 charter school capital outlay purposes, the Commissioner of  
437 Education shall allocate the funds among eligible charter  
438 schools. To be eligible for a funding allocation, a charter  
439 school must:

- 440 (a)1. Have been in operation for 3 or more years;  
441 2. Be an expanded feeder chain of a charter school within  
442 the same school district that is currently receiving charter  
443 school capital outlay funds; or  
444 3. Have been accredited by the Commission on Schools of  
445 the Southern Association of Colleges and Schools.



446 (b) Have financial stability for future operation as a  
447 charter school.

448 (c) Have documented student learning gains for at least 75  
449 percent of the student population as measured by the school's  
450 preassessments and postassessments in kindergarten through grade  
451 3 or the school's annual FCAT assessments in grades 4 through 10  
452 and have documented improvement of the lowest 25th percentile of  
453 students in the school in reading and mathematics unless these  
454 students are performing above satisfactory performance  
455 ~~satisfactory student achievement based on state accountability~~  
456 ~~standards applicable to the charter school.~~

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

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

461  
462 The first priority for charter school capital outlay funding  
463 shall be to allocate to the charter schools that received  
464 funding in the 2005-2006 fiscal year an allocation of the same  
465 amount per capital outlay full-time equivalent student up to the  
466 lesser of the actual number of capital outlay full-time  
467 equivalent students in the current year or the capital outlay  
468 full-time equivalent students in the 2005-2006 fiscal year.  
469 After calculating the first priority, the second priority shall  
470 be to allocate excess funds remaining in the appropriation in an  
471 amount equal to the per capital outlay full-time equivalent  
472 student amount in the first priority calculation to eligible  
473 charter schools not included in the first priority calculation

474 and to schools in the first priority calculation with growth in  
475 excess of the 2005-2006 capital outlay full-time equivalent  
476 students. After calculating the first and second priorities,  
477 excess funds remaining in the appropriation shall be allocated  
478 to all eligible charter schools. A charter school's allocation  
479 shall not exceed one-fifteenth of the cost per student station  
480 specified in s. 1013.64(6)(b). Prior to the release of capital  
481 outlay funds to a school district on behalf of the charter  
482 school, the Department of Education shall ensure that the  
483 district school board and the charter school governing board  
484 enter into a written agreement that includes provisions for the  
485 reversion of any unencumbered funds and all equipment and  
486 property purchased with public education funds to the ownership  
487 of the district school board, as provided for in subsection (3),  
488 in the event that the school terminates operations. Any funds  
489 recovered by the state shall be deposited in the General Revenue  
490 Fund. A charter school is not eligible for a funding allocation  
491 if it was created by the conversion of a public school and  
492 operates in facilities provided by the charter school's sponsor  
493 for a nominal fee or at no charge or if it is directly or  
494 indirectly operated by the school district. Unless otherwise  
495 provided in the General Appropriations Act, the funding  
496 allocation for each eligible charter school shall be determined  
497 by multiplying the school's projected student enrollment by one-  
498 fifteenth of the cost-per-student station specified in s.  
499 1013.64(6)(b) for an elementary, middle, or high school, as  
500 appropriate. If the funds appropriated are not sufficient, the  
501 commissioner shall prorate the available funds among eligible

502 charter schools. However, no charter school or charter lab  
 503 school shall receive state charter school capital outlay funds  
 504 in excess of the one-fifteenth cost per student station formula  
 505 if the charter school's combination of state charter school  
 506 capital outlay funds, capital outlay funds calculated through  
 507 the reduction in the administrative fee provided in s.  
 508 1002.33(20), and capital outlay funds allowed in s.  
 509 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student  
 510 station formula. Funds shall be distributed on the basis of the  
 511 capital outlay full-time equivalent membership by grade level,  
 512 which shall be calculated by averaging the results of the second  
 513 and third enrollment surveys. The Department of Education shall  
 514 distribute capital outlay funds monthly, beginning in the first  
 515 quarter of the fiscal year, based on one-twelfth of the amount  
 516 the department reasonably expects the charter school to receive  
 517 during that fiscal year. The commissioner shall adjust  
 518 subsequent distributions as necessary to reflect each charter  
 519 school's actual student enrollment as reflected in the second  
 520 and third enrollment surveys. The commissioner shall establish  
 521 the intervals and procedures for determining the projected and  
 522 actual student enrollment of eligible charter schools.

523 ~~(7) Notwithstanding the provisions of this section,~~  
 524 ~~beginning in the 2003-2004 fiscal year.~~

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

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

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

532           ~~3. Schools that have an approved charter and are serving~~  
533 ~~students at the start of the 2003-2004 school year and either~~  
534 ~~incurred long-term financial obligations prior to January 31,~~  
535 ~~2003, or began construction on educational facilities prior to~~  
536 ~~December 31, 2002.~~

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

540           ~~(c) If the appropriation for charter school capital outlay~~  
541 ~~funds is greater than the 2002-2003 appropriation, the amount of~~  
542 ~~funds provided in the 2002-2003 appropriation shall be allocated~~  
543 ~~according to paragraph (a). First priority for allocating the~~  
544 ~~amount in excess of the 2002-2003 appropriation shall be to~~  
545 ~~prorate the excess funds among the charter schools with long-~~  
546 ~~term debt or long term lease to the extent that the initial~~  
547 ~~allocation is insufficient to provide one fifteenth of the cost~~  
548 ~~per student station specified in s. 1013.64(6)(b), and second~~  
549 ~~priority shall be to other eligible charter schools.~~

550           Section 9. Paragraph (b) of subsection (6) and subsection  
551 (7) of section 1013.64, Florida Statutes, are amended to read:

552           1013.64 Funds for comprehensive educational plant needs;  
553 construction cost maximums for school district capital  
554 projects.--Allocations from the Public Education Capital Outlay  
555 and Debt Service Trust Fund to the various boards for capital  
556 outlay projects shall be determined as follows:

557           (6)

558 (b)1. A district school board, including a district school  
 559 board of an academic performance-based charter school district,  
 560 must not use funds from the following sources: Public Education  
 561 Capital Outlay and Debt Service Trust Fund; School District and  
 562 Community College District Capital Outlay and Debt Service Trust  
 563 Fund; Classrooms First Program funds provided in s. 1013.68;  
 564 effort index grant funds provided in s. 1013.73; nonvoted 2-mill  
 565 levy of ad valorem property taxes provided in s. 1011.71(2);  
 566 Class Size Reduction Construction Completion Program funds  
 567 provided in s. 1013.734; Classrooms for Kids Infrastructure  
 568 Program funds provided in s. 1013.735; ~~or~~ District Effort  
 569 Recognition Program funds provided in s. 1013.736; High Growth  
 570 District Capital Outlay Assistance Grant Program funds provided  
 571 in s. 1013.738; or Classroom Capacity Assistance Grant Program  
 572 funds provided in s. 1013.739 for any new construction of  
 573 educational plant space with a total cost per student station,  
 574 including change orders, that equals more than:

- 575 a. \$17,952 ~~\$12,755~~ for an elementary school,
- 576 b. \$19,386 ~~\$14,624~~ for a middle school, or
- 577 c. \$25,181 ~~\$19,352~~ for a high school,

578  
 579 (January 2006 ~~2002~~) as adjusted annually to reflect increases or  
 580 decreases in the Consumer Price Index.

581 2. A district school board must not use funds from the  
 582 Public Education Capital Outlay and Debt Service Trust Fund or  
 583 the School District and Community College District Capital  
 584 Outlay and Debt Service Trust Fund for any new construction of

585 an ancillary plant that exceeds 70 percent of the average cost  
 586 per square foot of new construction for all schools.

587 ~~(7) Moneys distributed to the Public Education Capital~~  
 588 ~~Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)~~  
 589 ~~to fund the Classrooms for Kids Program created in s. 1013.735~~  
 590 ~~and the High Growth County District Capital Outlay Assistance~~  
 591 ~~Grant Program created in s. 1013.738 shall be distributed as~~  
 592 ~~provided by those sections.~~

593 Section 10. Section 1013.734, Florida Statutes, is created  
 594 to read:

595 1013.734 Class Size Reduction Construction Completion  
 596 Program.--

597 (1) ALLOCATION.--The department shall allocate funds  
 598 appropriated to school districts excluding lab schools for the  
 599 Class Size Reduction Construction Completion Program, which is  
 600 hereby established. It is the intent of the Legislature that  
 601 this program be administered as nearly as practicable in the  
 602 same manner as the capital outlay program authorized under s.  
 603 9(a), Art. XII of the State Constitution. Each district school  
 604 board's share of the annual appropriation for the Class Size  
 605 Reduction Construction Completion Program must be calculated  
 606 according to the following formula:

607 (a) Sixty percent of the appropriation shall be prorated  
 608 to the districts based on each district's percentage of K-12  
 609 prior year capital outlay full-time equivalent membership.

610 (b) Thirty percent of the appropriation shall be based on  
 611 each district's percentage of K-12 growth capital outlay full-  
 612 time equivalent membership as specified for the allocation of

613 funds from the Public Education Capital Outlay and Debt Service  
 614 Trust Fund by s. 1013.64(3).

615 (c) Ten percent of the appropriation shall be allocated  
 616 among the districts according to the allocation formula in s.  
 617 1013.64(1)(a), excluding adult vocational technical facilities.

618 (2) DISTRICT PARTICIPATION.--In order to participate in  
 619 the Class Size Reduction Construction Completion Program, a  
 620 district school board shall:

621 (a) Enter into an interlocal agreement pursuant to s.  
 622 1013.33.

623 (b) Certify that the district's inventory of facilities  
 624 listed in the Florida Inventory of School Houses is accurate and  
 625 up to date pursuant to s. 1013.31.

626 (3) USE OF FUNDS.--In order to provide additional capacity  
 627 to meet class size reduction requirements by the 2010-2011  
 628 fiscal year pursuant to s. 1003.03, a district school board  
 629 shall expend the funds received pursuant to this section only to  
 630 construct or remodel educational facilities. However, a district  
 631 school board may expend such funds for renovations if it  
 632 certifies to the Commissioner of Education that the primary  
 633 purpose of the renovation is to increase capacity. A district  
 634 school board that certifies to the commissioner that all of the  
 635 district's instructional space needs for the next 5 years can be  
 636 met from capital outlay sources that the district reasonably  
 637 expects to receive during the next 5 years may expend the funds  
 638 to construct, renovate, remodel, or repair educational  
 639 facilities that do not result in additional capacity.

640 Section 11. Subsection (4) of section 1013.738, Florida  
641 Statutes, is amended to read:

642 1013.738 High Growth District Capital Outlay Assistance  
643 Grant Program.--

644 ~~(4) Moneys distributed to the Public Education Capital~~  
645 ~~Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)~~  
646 ~~for the High Growth District Capital Outlay Assistance Grant~~  
647 ~~Program created in this section shall be distributed as provided~~  
648 ~~by this section.~~

649 Section 12. Section 1013.739, Florida Statutes, is created  
650 to read:

651 1013.739 Classroom Capacity Assistance Grant Program.--

652 (1) ALLOCATION.--The department shall allocate funds  
653 appropriated to school districts excluding lab schools for the  
654 Classroom Capacity Assistance Grant Program, which is hereby  
655 established. It is the intent of the Legislature that this  
656 program be administered as nearly as practicable in the same  
657 manner as the capital outlay program authorized under s. 9(a),  
658 Art. XII of the State Constitution. Each district school board's  
659 share of the annual appropriation for the Classroom Capacity  
660 Assistance Grant Program must be calculated according to the  
661 following formula:

662 (a) Twenty-five percent of the appropriation shall be  
663 prorated to the districts based on each district's percentage of  
664 K-12 prior year capital outlay full-time equivalent membership.

665 (b) Seventy percent of the appropriation shall be based on  
666 each district's percentage of K-12 growth capital outlay full-  
667 time equivalent membership as specified for the allocation of



668 funds from the Public Education Capital Outlay and Debt Service  
 669 Trust Fund by s. 1013.64(3).

670 (c) Five percent of the appropriation shall be allocated  
 671 among the districts according to the allocation formula in s.  
 672 1013.64(1)(a), excluding adult vocational technical facilities.

673 (2) DISTRICT PARTICIPATION.--In order to participate in  
 674 the Classroom Capacity Assistance Grant Program, a district  
 675 school board shall:

676 (a) Enter into an interlocal agreement pursuant to s.  
 677 1013.33.

678 (b) Certify that the district's inventory of facilities  
 679 listed in the Florida Inventory of School Houses is accurate and  
 680 up to date pursuant to s. 1013.31.

681 (3) USE OF FUNDS.--In order to provide additional capacity  
 682 to meet class size reduction requirements by the 2010-2011  
 683 fiscal year pursuant to s. 1003.03, a district school board  
 684 shall expend the funds received pursuant to this section only to  
 685 construct or remodel educational facilities. However, a district  
 686 school board may expend such funds for renovations if it  
 687 certifies to the Commissioner of Education that the primary  
 688 purpose of the renovation is to increase capacity.

689 Section 13. Except as otherwise expressly provided in this  
 690 act, this act shall take effect July 1, 2006.