

1                                   A bill to be entitled  
 2           An act relating to charter schools capital outlay funding;  
 3           amending s. 1013.62, F.S.; providing eligibility for  
 4           funding to a charter school operated by the operator of  
 5           one or more charter schools that meet certain  
 6           requirements; providing additional uses for charter school  
 7           capital outlay funds; amending s. 199.133, F.S.; providing  
 8           for the distribution of an amount of nonrecurring taxes to  
 9           the Charter Schools Capital Outlay Trust Fund; providing  
 10          an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:  
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14           Section 1. Subsections (1) and (2) of section 1013.62,  
 15 Florida Statutes, are amended to read:

- 16           1013.62 Charter schools capital outlay funding.--  
 17           (1) In each year in which funds are appropriated for  
 18 charter school capital outlay purposes, the Commissioner of  
 19 Education shall allocate the funds among eligible charter  
 20 schools. To be eligible for a funding allocation, a charter  
 21 school must:  
 22           (a)1. Have been in operation for 3 or more years;  
 23           2. Be an expanded feeder chain of a charter school within  
 24 the same school district that is currently receiving charter  
 25 school capital outlay funds; ~~or~~  
 26           3. Have been accredited by the Commission on Schools of  
 27 the Southern Association of Colleges and Schools; or-  
 28           4. Be a charter school operated by an existing charter

29 school operator of one or more charter schools that are  
30 currently receiving charter school capital outlay funds, 50  
31 percent or more of which charter schools received a school grade  
32 designation of "A" or "B" pursuant to s. 1008.34 during the  
33 previous school year.

34 (b) Have financial stability for future operation as a  
35 charter school.

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

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

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

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43 The first priority for charter school capital outlay funding  
44 shall be to allocate to the charter schools that received  
45 funding in the 2005-2006 fiscal year an allocation of the same  
46 amount per capital outlay full-time equivalent student up to the  
47 lesser of the actual number of capital outlay full-time  
48 equivalent students in the current year or the capital outlay  
49 full-time equivalent students in the 2005-2006 fiscal year.

50 After calculating the first priority, the second priority shall  
51 be to allocate excess funds remaining in the appropriation in an  
52 amount equal to the per capital outlay full-time equivalent  
53 student amount in the first priority calculation to eligible  
54 charter schools not included in the first priority calculation  
55 and to schools in the first priority calculation with growth in  
56 excess of the 2005-2006 capital outlay full-time equivalent

57 | students. After calculating the first and second priorities,  
58 | excess funds remaining in the appropriation shall be allocated  
59 | to all eligible charter schools. A charter school's allocation  
60 | shall not exceed one-fifteenth of the cost per student station  
61 | specified in s. 1013.64(6)(b). Prior to the release of capital  
62 | outlay funds to a school district on behalf of the charter  
63 | school, the Department of Education shall ensure that the  
64 | district school board and the charter school governing board  
65 | enter into a written agreement that includes provisions for the  
66 | reversion of any unencumbered funds and all equipment and  
67 | property purchased with public education funds to the ownership  
68 | of the district school board, as provided for in subsection (3),  
69 | in the event that the school terminates operations. Any funds  
70 | recovered by the state shall be deposited in the General Revenue  
71 | Fund. A charter school is not eligible for a funding allocation  
72 | if it was created by the conversion of a public school and  
73 | operates in facilities provided by the charter school's sponsor  
74 | for a nominal fee or at no charge or if it is directly or  
75 | indirectly operated by the school district. Unless otherwise  
76 | provided in the General Appropriations Act, the funding  
77 | allocation for each eligible charter school shall be determined  
78 | by multiplying the school's projected student enrollment by one-  
79 | fifteenth of the cost-per-student station specified in s.  
80 | 1013.64(6)(b) for an elementary, middle, or high school, as  
81 | appropriate. If the funds appropriated are not sufficient, the  
82 | commissioner shall prorate the available funds among eligible  
83 | charter schools. However, no charter school or charter lab  
84 | school shall receive state charter school capital outlay funds

85 | in excess of the one-fifteenth cost per student station formula  
86 | if the charter school's combination of state charter school  
87 | capital outlay funds, capital outlay funds calculated through  
88 | the reduction in the administrative fee provided in s.  
89 | 1002.33(20), and capital outlay funds allowed in s.  
90 | 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student  
91 | station formula. Funds shall be distributed on the basis of the  
92 | capital outlay full-time equivalent membership by grade level,  
93 | which shall be calculated by averaging the results of the second  
94 | and third enrollment surveys. The Department of Education shall  
95 | distribute capital outlay funds monthly, beginning in the first  
96 | quarter of the fiscal year, based on one-twelfth of the amount  
97 | the department reasonably expects the charter school to receive  
98 | during that fiscal year. The commissioner shall adjust  
99 | subsequent distributions as necessary to reflect each charter  
100 | school's actual student enrollment as reflected in the second  
101 | and third enrollment surveys. The commissioner shall establish  
102 | the intervals and procedures for determining the projected and  
103 | actual student enrollment of eligible charter schools.

104 | (2) A charter school's governing body may use charter  
105 | school capital outlay funds for the following purposes:

106 | (a) Purchase of real property.

107 | (b) Construction of school facilities.

108 | (c) Purchase, lease-purchase, or lease of permanent or  
109 | relocatable school facilities.

110 | (d) Purchase of vehicles to transport students to and from  
111 | the charter school.

112 | (e) Renovation, repair, and maintenance of school

HB 1203

2007

113 facilities that the charter school owns or is purchasing through  
114 a lease-purchase or long-term lease of 5 years or longer.

115 (f) Furnishing and equipping the charter school.

116

117 Conversion charter schools may use capital outlay funds received  
118 through the reduction in the administrative fee provided in s.  
119 1002.33(20) for construction, renovation, repair, and  
120 maintenance of school facilities that are owned by the sponsor.

121 Section 2. Subsection (1) of section 199.133, Florida  
122 Statutes, is amended to read:

123 199.133 Levy of nonrecurring tax.--

124 (1) A one-time nonrecurring tax of 2 mills is hereby  
125 imposed on each dollar of the just valuation of all notes,  
126 bonds, and other obligations for payment of money which are  
127 secured by mortgage, deed of trust, or other lien upon real  
128 property situated in this state. This tax shall be assessed and  
129 collected as provided by this chapter. Of the amount collected,  
130 an amount equal to 0.75 mills shall be distributed to the  
131 Charter Schools Capital Outlay Trust Fund created under s.  
132 1013.625.

133 Section 3. This act shall take effect July 1, 2007.