

By Senator Wise

5-1374A-07

See HB 1203

1 A bill to be entitled

2 An act relating to charter schools capital

3 outlay funding; amending s. 1013.62, F.S.;

4 providing eligibility for funding to a charter

5 school operated by the operator of one or more

6 charter schools that meet certain requirements;

7 providing additional uses for charter school

8 capital outlay funds; amending s. 199.133,

9 F.S.; providing for the distribution of an

10 amount of nonrecurring taxes to the Charter

11 Schools Capital Outlay Trust Fund; providing an

12 effective date.

13

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

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16 Section 1. Subsections (1) and (2) of section 1013.62,

17 Florida Statutes, are amended to read:

18 1013.62 Charter schools capital outlay funding.--

19 (1) In each year in which funds are appropriated for

20 charter school capital outlay purposes, the Commissioner of

21 Education shall allocate the funds among eligible charter

22 schools. To be eligible for a funding allocation, a charter

23 school must:

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

25 2. Be an expanded feeder chain of a charter school

26 within the same school district that is currently receiving

27 charter school capital outlay funds; ~~or~~

28 3. Have been accredited by the Commission on Schools

29 of the Southern Association of Colleges and Schools; ~~or~~

30 4. Be a charter school operated by an existing charter

31 school operator of one or more charter schools that are

1 currently receiving charter school capital outlay funds, 50
2 percent or more of which charter schools received a school
3 grade designation of "A" or "B" pursuant to s. 1008.34 during
4 the previous school year.

5 (b) Have financial stability for future operation as a
6 charter school.

7 (c) Have satisfactory student achievement based on
8 state accountability standards applicable to the charter
9 school.

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

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

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15 The first priority for charter school capital outlay funding
16 shall be to allocate to the charter schools that received
17 funding in the 2005-2006 fiscal year an allocation of the same
18 amount per capital outlay full-time equivalent student up to
19 the lesser of the actual number of capital outlay full-time
20 equivalent students in the current year or the capital outlay
21 full-time equivalent students in the 2005-2006 fiscal year.
22 After calculating the first priority, the second priority
23 shall be to allocate excess funds remaining in the
24 appropriation in an amount equal to the per capital outlay
25 full-time equivalent student amount in the first priority
26 calculation to eligible charter schools not included in the
27 first priority calculation and to schools in the first
28 priority calculation with growth in excess of the 2005-2006
29 capital outlay full-time equivalent students. After
30 calculating the first and second priorities, excess funds
31 remaining in the appropriation shall be allocated to all

1 eligible charter schools. A charter school's allocation shall
2 not exceed one-fifteenth of the cost per student station
3 specified in s. 1013.64(6)(b). Prior to the release of capital
4 outlay funds to a school district on behalf of the charter
5 school, the Department of Education shall ensure that the
6 district school board and the charter school governing board
7 enter into a written agreement that includes provisions for
8 the reversion of any unencumbered funds and all equipment and
9 property purchased with public education funds to the
10 ownership of the district school board, as provided for in
11 subsection (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 or if it is directly or indirectly operated by
18 the school district. Unless otherwise provided in the General
19 Appropriations Act, the funding allocation for each eligible
20 charter school shall be determined by multiplying the school's
21 projected student enrollment by one-fifteenth of the
22 cost-per-student station specified in s. 1013.64(6)(b) for an
23 elementary, middle, or high school, as appropriate. If the
24 funds appropriated are not sufficient, the commissioner shall
25 prorate the available funds among eligible charter schools.
26 However, no charter school or charter lab school shall receive
27 state charter school capital outlay funds in excess of the
28 one-fifteenth cost per student station formula if the charter
29 school's combination of state charter school capital outlay
30 funds, capital outlay funds calculated through the reduction
31 in the administrative fee provided in s. 1002.33(20), and

1 capital outlay funds allowed in s. 1002.32(9)(e) and (h)
2 exceeds the one-fifteenth cost per student station formula.
3 Funds shall be distributed on the basis of the capital outlay
4 full-time equivalent membership by grade level, which shall be
5 calculated by averaging the results of the second and third
6 enrollment surveys. The Department of Education shall
7 distribute capital outlay funds monthly, beginning in the
8 first quarter of the fiscal year, based on one-twelfth of the
9 amount the department reasonably expects the charter school to
10 receive during that fiscal year. The commissioner shall adjust
11 subsequent distributions as necessary to reflect each charter
12 school's actual student enrollment as reflected in the second
13 and third enrollment surveys. The commissioner shall establish
14 the intervals and procedures for determining the projected and
15 actual student enrollment of eligible charter schools.

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

18 (a) Purchase of real property.

19 (b) Construction of school facilities.

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

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

24 (e) Renovation, repair, and maintenance of school
25 facilities that the charter school owns or is purchasing
26 through a lease-purchase or long-term lease of 5 years or
27 longer.

28 (f) Furnishing and equipping the charter school.

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30 Conversion charter schools may use capital outlay funds
31 received through the reduction in the administrative fee

1 provided in s. 1002.33(20) for construction, renovation,
2 repair, and maintenance of school facilities that are owned by
3 the sponsor.

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

6 199.133 Levy of nonrecurring tax.--

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

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