

1                                   A bill to be entitled  
 2           An act relating to charter schools capital outlay funding;  
 3           amending s. 1013.62, F.S.; revising charter school  
 4           eligibility requirements for receipt of capital outlay  
 5           funding; providing an effective date.

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

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 9           Section 1. Paragraph (a) of subsection (1) of section  
 10          1013.62, Florida Statutes, is amended to read:

11           1013.62 Charter schools capital outlay funding.--

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

17           (a)1. Have been in operation for 3 or more years or be  
 18          governed by a governing board that has been in operation for 3  
 19          or more years;

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

23           3. Have been accredited by the Commission on Schools of  
 24          the Southern Association of Colleges and Schools.

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 26          The first priority for charter school capital outlay funding  
 27          shall be to allocate to the charter schools that received  
 28          funding in the 2005-2006 fiscal year an allocation of the same

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29 amount per capital outlay full-time equivalent student up to the  
30 lesser of the actual number of capital outlay full-time  
31 equivalent students in the current year or the capital outlay  
32 full-time equivalent students in the 2005-2006 fiscal year.  
33 After calculating the first priority, the second priority shall  
34 be to allocate excess funds remaining in the appropriation in an  
35 amount equal to the per capital outlay full-time equivalent  
36 student amount in the first priority calculation to eligible  
37 charter schools not included in the first priority calculation  
38 and to schools in the first priority calculation with growth in  
39 excess of the 2005-2006 capital outlay full-time equivalent  
40 students. After calculating the first and second priorities,  
41 excess funds remaining in the appropriation shall be allocated  
42 to all eligible charter schools. A charter school's allocation  
43 shall not exceed one-fifteenth of the cost per student station  
44 specified in s. 1013.64(6) (b). Prior to the release of capital  
45 outlay funds to a school district on behalf of the charter  
46 school, the Department of Education shall ensure that the  
47 district school board and the charter school governing board  
48 enter into a written agreement that includes provisions for the  
49 reversion of any unencumbered funds and all equipment and  
50 property purchased with public education funds to the ownership  
51 of the district school board, as provided for in subsection (3),  
52 in the event that the school terminates operations. Any funds  
53 recovered by the state shall be deposited in the General Revenue  
54 Fund. A charter school is not eligible for a funding allocation  
55 if it was created by the conversion of a public school and  
56 operates in facilities provided by the charter school's sponsor

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57 | for a nominal fee or at no charge or if it is directly or  
58 | indirectly operated by the school district. Unless otherwise  
59 | provided in the General Appropriations Act, the funding  
60 | allocation for each eligible charter school shall be determined  
61 | by multiplying the school's projected student enrollment by one-  
62 | fifteenth of the cost-per-student station specified in s.  
63 | 1013.64(6)(b) for an elementary, middle, or high school, as  
64 | appropriate. If the funds appropriated are not sufficient, the  
65 | commissioner shall prorate the available funds among eligible  
66 | charter schools. However, no charter school or charter lab  
67 | school shall receive state charter school capital outlay funds  
68 | in excess of the one-fifteenth cost per student station formula  
69 | if the charter school's combination of state charter school  
70 | capital outlay funds, capital outlay funds calculated through  
71 | the reduction in the administrative fee provided in s.  
72 | 1002.33(20), and capital outlay funds allowed in s.  
73 | 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student  
74 | station formula. Funds shall be distributed on the basis of the  
75 | capital outlay full-time equivalent membership by grade level,  
76 | which shall be calculated by averaging the results of the second  
77 | and third enrollment surveys. The Department of Education shall  
78 | distribute capital outlay funds monthly, beginning in the first  
79 | quarter of the fiscal year, based on one-twelfth of the amount  
80 | the department reasonably expects the charter school to receive  
81 | during that fiscal year. The commissioner shall adjust  
82 | subsequent distributions as necessary to reflect each charter  
83 | school's actual student enrollment as reflected in the second  
84 | and third enrollment surveys. The commissioner shall establish

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85 | the intervals and procedures for determining the projected and  
86 | actual student enrollment of eligible charter schools.

87 |       Section 2. This act shall take effect July 1, 2009.