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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2009	.	
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The Policy and Steering Committee on Ways and Means (Wise) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1330 and 1331  
insert:

Section 35. Subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.-

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools.



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12           (a) To be eligible for a funding allocation, a charter  
13 school must:

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

15           b. Be governed by a governing board established in the  
16 state for 3 or more years which operates both charter schools  
17 and conversion charter schools within the state;

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

21           d.~~3.~~ Have been accredited by the Commission on Schools of  
22 the Southern Association of Colleges and Schools.

23           2.~~(b)~~ Have financial stability for future operation as a  
24 charter school.

25           3.~~(e)~~ Have satisfactory student achievement based on state  
26 accountability standards applicable to the charter school.

27           4.~~(d)~~ Have received final approval from its sponsor  
28 pursuant to s. 1002.33 for operation during that fiscal year.

29           5.~~(e)~~ Serve students in facilities that are not provided by  
30 the charter school's sponsor.

31           (b) The first priority for charter school capital outlay  
32 funding is ~~shall be~~ to allocate to ~~the~~ charter schools that  
33 received funding in the 2005-2006 fiscal year an allocation of  
34 the same amount per capital outlay full-time equivalent student,  
35 up to the lesser of the actual number of capital outlay full-  
36 time equivalent students in the current year, or the capital  
37 outlay full-time equivalent students in the 2005-2006 fiscal  
38 year. After calculating the first priority, the second priority  
39 is ~~shall be~~ to allocate excess funds remaining in the  
40 appropriation in an amount equal to the per capital outlay full-



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41 time equivalent student amount in the first priority calculation  
42 to eligible charter schools not included in the first priority  
43 calculation and to schools in the first priority calculation  
44 with growth greater than ~~in excess of~~ the 2005-2006 capital  
45 outlay full-time equivalent students. After calculating the  
46 first and second priorities, excess funds remaining in the  
47 appropriation must ~~shall~~ be allocated to all eligible charter  
48 schools.

49 (c) A charter school's allocation may ~~shall~~ not exceed one-  
50 fifteenth of the cost per student station specified in s.  
51 1013.64(6)(b). Before releasing ~~Prior to the release of~~ capital  
52 outlay funds to a school district on behalf of the charter  
53 school, the Department of Education must ~~shall~~ ensure that the  
54 district school board and the charter school governing board  
55 enter into a written agreement that provides ~~includes provisions~~  
56 for the reversion of any unencumbered funds and all equipment  
57 and property purchased with public education funds to the  
58 ownership of the district school board, as provided for in  
59 subsection (3) if, ~~in the event that~~ the school terminates  
60 operations. Any funds recovered by the state shall be deposited  
61 in the General Revenue Fund.

62 (d) A charter school is not eligible for a funding  
63 allocation if it was created by the conversion of a public  
64 school and operates in facilities provided by the charter  
65 school's sponsor for a nominal fee, or at no charge, or if it is  
66 directly or indirectly operated by the school district.

67 (e) Unless otherwise provided in the General Appropriations  
68 Act, the funding allocation for each eligible charter school is  
69 ~~shall be~~ determined by multiplying the school's projected



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70 student enrollment by one-fifteenth of the cost-per-student  
71 station specified in s. 1013.64(6)(b) for an elementary, middle,  
72 or high school, as appropriate. If the funds appropriated are  
73 not sufficient, the commissioner shall prorate the available  
74 funds among eligible charter schools. However, a ~~ne~~ charter  
75 school or charter lab school may not ~~shall~~ receive state charter  
76 school capital outlay funds greater than ~~in excess of~~ the one-  
77 fifteenth cost per student station formula if the charter  
78 school's combination of state charter school capital outlay  
79 funds, capital outlay funds calculated through the reduction in  
80 the administrative fee provided in s. 1002.33(20), and capital  
81 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the  
82 one-fifteenth cost per student station formula.

83 (f) Funds shall be distributed on the basis of the capital  
84 outlay full-time equivalent membership by grade level, which is  
85 ~~shall be~~ calculated by averaging the results of the second and  
86 third enrollment surveys. The Department of Education shall  
87 distribute capital outlay funds monthly, beginning in the first  
88 quarter of the fiscal year, based on one-twelfth of the amount  
89 the department reasonably expects the charter school to receive  
90 during that fiscal year. The commissioner shall adjust  
91 subsequent distributions as necessary to reflect each charter  
92 school's actual student enrollment as reflected in the second  
93 and third enrollment surveys. The commissioner shall establish  
94 the intervals and procedures for determining the projected and  
95 actual student enrollment of eligible charter schools.

96  
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:



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99           Delete line 164  
100   and insert:  
101           viability of the pilot program; amending s. 1013.62,  
102           F.S.; revising the criteria for determining a charter  
103           school's eligibility for capital outlay funding;  
104           amending s. 1013.64