

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Fresen offered the following:

Amendment (with title amendment)

5 Remove lines 1087-1141 and insert:

6 Section 9. Subsection (2) of section 1011.71, Florida
 7 Statutes, is amended to read:

8 1011.71 District school tax.—

9 (2) In addition to the maximum millage levy as provided in
 10 subsection (1), each school board may levy not more than 1.5
 11 mills against the taxable value for school purposes for district
 12 schools, including charter schools. A charter school shall be
 13 provided an amount equal to the remaining balance of funding
 14 needed to achieve the amount of the state funding allocation
 15 provided in s. 1013.62 after the amount of state appropriations
 16 is deducted. Annually, by December 30, the department shall
 17 calculate the amount of payments to eligible charter schools

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18 using the certified taxable value and millage rate as provided
19 in the TRIM notice pursuant to s. 200.065 and certify to each
20 school district the amount the school district must pay to each
21 charter school based on the remaining balance of funding needed
22 to achieve the amount of the state funding allocation as
23 provided in s. 1013.62 after the amount of state appropriations
24 is deducted. School districts shall make payments to charter
25 schools no later than February 1, 2016, for the 2015-2016 fiscal
26 year and no later February 1 each year thereafter. Revenues
27 retained by a school district after payments are made to charter
28 schools may be used by the school district ~~at the discretion of~~
29 ~~the school board,~~ to fund:

30 (a) New construction and remodeling projects, as set forth
31 in s. 1013.64(3)(b) and (6)(b) and included in the district's
32 educational plant survey pursuant to s. 1013.31, without regard
33 to prioritization, sites and site improvement or expansion to
34 new sites, existing sites, auxiliary facilities, athletic
35 facilities, or ancillary facilities.

36 (b) Maintenance, renovation, and repair of existing school
37 plants or of leased facilities to correct deficiencies pursuant
38 to s. 1013.15(2).

39 (c) The purchase, lease-purchase, or lease of school
40 buses.

41 (d) The purchase, lease-purchase, or lease of new and
42 replacement equipment; computer hardware, including electronic
43 hardware and other hardware devices necessary for gaining access

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44 to or enhancing the use of electronic content and resources or
45 to facilitate the access to and the use of a school district's
46 digital classrooms plan pursuant to s. 1011.62, excluding
47 software other than the operating system necessary to operate
48 the hardware or device; and enterprise resource software
49 applications that are classified as capital assets in accordance
50 with definitions of the Governmental Accounting Standards Board,
51 have a useful life of at least 5 years, and are used to support
52 districtwide administration or state-mandated reporting
53 requirements. Enterprise resource software may be acquired by
54 annual license fees, maintenance fees, or lease agreement.

55 (e) Payments for educational facilities and sites due
56 under a lease-purchase agreement entered into by a district
57 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
58 exceeding, in the aggregate, an amount equal to three-fourths of
59 the proceeds from the millage levied by a district school board
60 pursuant to this subsection. The three-fourths limit is waived
61 for lease-purchase agreements entered into before June 30, 2009,
62 by a district school board pursuant to this paragraph.

63 (f) Payment of loans approved pursuant to ss. 1011.14 and
64 1011.15.

65 (g) Payment of costs directly related to complying with
66 state and federal environmental statutes, rules, and regulations
67 governing school facilities.

68 (h) Payment of costs of leasing relocatable educational
69 facilities, of renting or leasing educational facilities and

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70 sites pursuant to s. 1013.15(2), or of renting or leasing
71 buildings or space within existing buildings pursuant to s.
72 1013.15(4).

73 (i) Payment of the cost of school buses when a school
74 district contracts with a private entity to provide student
75 transportation services if the district meets the requirements
76 of this paragraph.

77 1. The district's contract must require that the private
78 entity purchase, lease-purchase, or lease, and operate and
79 maintain, one or more school buses of a specific type and size
80 that meet the requirements of s. 1006.25.

81 2. Each such school bus must be used for the daily
82 transportation of public school students in the manner required
83 by the school district.

84 3. Annual payment for each such school bus may not exceed
85 10 percent of the purchase price of the state pool bid.

86 4. The proposed expenditure of the funds for this purpose
87 must have been included in the district school board's notice of
88 proposed tax for school capital outlay as provided in s.
89 200.065(10).

90 (j) Payment of the cost of the opening day collection for
91 the library media center of a new school.

92 Section 10. Paragraph (b) of subsection (8) of section
93 1012.56, Florida Statutes, is amended to read:

94 1012.56 Educator certification requirements.—

95 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION

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96 COMPETENCY PROGRAM.—

97 (b)1. Each school district must and a private school or
98 state-supported ~~state-supported~~ public school, including a
99 charter school, ~~or a private school~~ may develop and maintain a
100 system by which members of the instructional staff may
101 demonstrate mastery of professional preparation and education
102 competence as required by law. Each program must be based on
103 classroom application of the Florida Educator Accomplished
104 Practices and instructional performance and, for public schools,
105 must be aligned with the district's or state-supported public
106 school's evaluation system established ~~approved~~ under s.
107 1012.34, as applicable.

108 2. The Commissioner of Education shall determine the
109 continued approval of programs implemented under this paragraph,
110 based upon the department's review of performance data. The
111 department shall review the performance data as a part of the
112 periodic review of each school district's professional
113 development system required under s. 1012.98.

114 Section 11. Subsections (1) and (2) of section 1013.62,
115 Florida Statutes, are amended to read:

116 1013.62 Charter schools capital outlay funding.—

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

121 (a) To be eligible for a funding allocation, a charter

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122 school must:

123 1.a. Have been in operation for 2 ~~3~~ or more years;

124 b. Have no more than two consecutive school grades lower
125 than "B" unless the school serves a student population at least
126 50 percent of which is eligible for free or reduced-price meals
127 under the National School Lunch Act ~~Be governed by a governing~~
128 ~~board established in the state for 2 3 or more years which~~
129 ~~operates both charter schools and conversion charter schools~~
130 ~~within the state;~~

131 c. Have an annual audit that does not reveal any of the
132 financial emergency conditions provided in s. 218.503(1) for the
133 most recent fiscal year for which such audit results are
134 available ~~Be an expanded feeder chain of a charter school within~~
135 ~~the same school district that is currently receiving charter~~
136 ~~school capital outlay funds;~~

137 d. Have received final approval from its sponsor pursuant
138 to s. 1002.33 for operation during that fiscal year; and

139 e. Serve students in facilities that are not provided by
140 the charter school's sponsor; or

141 ~~d. Have been accredited by the Commission on Schools of~~
142 ~~the Southern Association of Colleges and Schools; or~~

143 ~~e. Serve students in facilities that are provided by a~~
144 ~~business partner for a charter school in the workplace pursuant~~
145 ~~to s. 1002.33(15)(b).~~

146 2.a. Be part of a high-performing charter school system
147 pursuant to s. 1002.332; ~~Have financial stability for future~~

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148 ~~operation as a charter school.~~

149 ~~3. Have satisfactory student achievement based on state~~
150 ~~accountability standards applicable to the charter school.~~

151 ~~b.4.~~ Have received final approval from its sponsor
152 pursuant to s. 1002.33 for operation during that fiscal year;
153 ~~and.~~

154 ~~c.5.~~ Serve students in facilities that are not provided by
155 the charter school's sponsor.

156 ~~(b) The first priority for charter school capital outlay~~
157 ~~funding is to allocate to charter schools that received funding~~
158 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
159 ~~per capital outlay full-time equivalent student, up to the~~
160 ~~lesser of the actual number of capital outlay full-time~~
161 ~~equivalent students in the current year, or the capital outlay~~
162 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
163 ~~After calculating the first priority, the second priority is to~~
164 ~~allocate excess funds remaining in the appropriation in an~~
165 ~~amount equal to the per capital outlay full-time equivalent~~
166 ~~student amount in the first priority calculation to eligible~~
167 ~~charter schools not included in the first priority calculation~~
168 ~~and to schools in the first priority calculation with growth~~
169 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
170 ~~students. After calculating the first and second priorities,~~
171 ~~excess funds remaining in the appropriation must be allocated to~~
172 ~~all eligible charter schools.~~

173 ~~(b)(e)~~ A charter school's allocation may not exceed one-

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174 fortieth ~~one-fifteenth~~ of the cost per student station specified
175 in s. 1013.64(6) (b) or the amount of revenue per fixed capital
176 outlay full-time equivalent student generated by the school
177 district's levy of 1.5 mills pursuant to s. 1011.71(2),
178 whichever is less. Before releasing capital outlay funds to a
179 school district on behalf of the charter school, the Department
180 of Education must ensure that the district school board and the
181 charter school governing board enter into a written agreement
182 that provides for the reversion of any unencumbered funds and
183 all equipment and property purchased with public education funds
184 to the ownership of the district school board, as provided for
185 in subsection (3) if the school terminates operations. Any funds
186 recovered by the state shall be deposited in the General Revenue
187 Fund.

188 (c) ~~(d)~~ A charter school is not eligible for a funding
189 allocation if it was created by the conversion of a public
190 school and operates in facilities provided by the charter
191 school's sponsor for a nominal fee, or at no charge, or if it is
192 directly or indirectly operated by the school district.

193 (d) ~~(e)~~ Unless otherwise provided in the General
194 Appropriations Act, the state funding allocation for each
195 eligible charter school shall be ~~is~~ determined by multiplying
196 the school's projected student enrollment by one-fortieth ~~one-~~
197 ~~fifteenth~~ of the cost-per-student station specified in s.
198 1013.64(6) (b) for an elementary, middle, or high school, as
199 appropriate. If the funds appropriated are not sufficient, the

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200 charter school shall receive funding to achieve one-fortieth of
201 the cost per student station or the amount of revenue per fixed
202 capital outlay full-time equivalent student generated by the
203 school district's levy of 1.5 mills pursuant to s. 1011.71(2),
204 whichever is less, from the revenues generated by the school
205 district levy of ad valorem property taxes ~~the commissioner~~
206 ~~shall prorate the available funds among eligible charter~~
207 ~~schools. However,~~ A charter school or charter lab school may not
208 receive state charter school capital outlay funds or local ad
209 valorem capital outlay funds greater than the one-fortieth ~~one-~~
210 ~~fifteenth~~ cost per student station formula if the charter
211 school's combination of state charter school capital outlay
212 funds, capital outlay funds calculated through the reduction in
213 the administrative fee provided in s. 1002.33(20), and capital
214 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the
215 one-fortieth ~~one-fifteenth~~ cost per student station formula.

216 (e)-(f) Funds shall be distributed on the basis of the
217 capital outlay full-time equivalent membership by grade level,
218 which is calculated by averaging the results of the second and
219 third enrollment surveys. The Department of Education shall
220 distribute capital outlay funds monthly, beginning in the first
221 quarter of the fiscal year, based on one-twelfth of the amount
222 the department reasonably expects the charter school to receive
223 during that fiscal year. The commissioner shall adjust
224 subsequent distributions as necessary to reflect each charter
225 school's actual student enrollment as reflected in the second

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226 and third enrollment surveys. The commissioner shall establish
227 the intervals and procedures for determining the projected and
228 actual student enrollment of eligible charter schools.

229 (2) A charter school's governing body may use charter
230 school capital outlay funds received pursuant to this section
231 and s. 1011.71(2) for the following purposes:

232 (a) Purchase of real property.

233 (b) Construction of school facilities.

234 (c) Purchase, lease-purchase, or lease of permanent or
235 relocatable school facilities.

236 (d) Purchase of vehicles to transport students to and from
237 the charter school.

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

241 (f) Effective July 1, 2008, purchase, lease-purchase, or
242 lease of new and replacement equipment, and enterprise resource
243 software applications that are classified as capital assets in
244 accordance with definitions of the Governmental Accounting
245 Standards Board, have a useful life of at least 5 years, and are
246 used to support schoolwide administration or state-mandated
247 reporting requirements.

248 (g) Payment of the cost of premiums for property and
249 casualty insurance necessary to insure the school facilities.

250 (h) Purchase, lease-purchase, or lease of driver's
251 education vehicles; motor vehicles used for the maintenance or

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252 operation of plants and equipment; security vehicles; or
253 vehicles used in storing or distributing materials and
254 equipment.

255 (i) The purchase, lease-purchase, or lease of new and
256 replacement equipment; computer hardware, including electronic
257 hardware and other hardware devices necessary for gaining access
258 to or enhancing the use of electronic content and resources or
259 to facilitate the access to and the use of a charter school's
260 digital classrooms plan pursuant to s. 1011.62, excluding
261 software other than the operating system necessary to operate
262 the hardware or device; and enterprise resource software
263 applications that are classified as capital assets in accordance
264 with definitions of the Governmental Accounting Standards Board,
265 have a useful life of at least 5 years, and are used to support
266 schoolwide administration or state-mandated reporting
267 requirements. Enterprise resource software may be acquired by
268 annual license fees, maintenance fees, or lease agreement.

269 (j) Payment of the cost of the opening day collection for
270 the library media center of a new school.

271 Section 12. For the 2015-2016 fiscal year, the sum of
272 \$2,374,420 in recurring funds is appropriated from the General
273

274 -----

275 **T I T L E A M E N D M E N T**

276 Remove lines 52-57 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2015)

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277 amending s. 1011.71, F.S.; providing for the calculation and
278 payment of capital outlay funding to charter schools; providing
279 that enterprise resource software may be acquired by certain
280 means; amending s. 1012.56, F.S.; specifying that a charter
281 school may develop and operate a professional development
282 certification and education competency program; amending s.
283 1013.62, F.S.; revising eligibility requirements for charter
284 school capital outlay funding; revising the amount of funding
285 for charter schools; revising the list of approved uses of
286 charter school capital outlay funds; providing an appropriation;
287 providing