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LEGISLATIVE ACTION

Senate

House

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Floor: NC/2R

03/04/2016 01:08 PM

Senator Gaetz moved the following:

1 **Senate Amendment to Amendment (913116) (with title**
2 **amendment)**

3
4 Delete lines 1010 - 1044

5 and insert:

6 s. 1013.62(3) ~~s. 1013.62(2)~~.

7 3. For high-performing charter schools, as defined in s.
8 1002.331 ~~ch. 2011-232~~, a sponsor may withhold a total
9 administrative fee of up to 2 percent for enrollment up to and
10 including 250 students per school.

11 4. In addition, a sponsor may withhold only up to a 5-



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12 percent administrative fee for enrollment for up to and
13 including 500 students within a system of charter schools which
14 meets all of the following:

- 15 a. Includes both conversion charter schools and
16 nonconversion charter schools;
- 17 b. Has all schools located in the same county;
- 18 c. Has a total enrollment exceeding the total enrollment of
19 at least one school district in the state;
- 20 d. Has the same governing board; and
- 21 e. Does not contract with a for-profit service provider for
22 management of school operations.

23 5. The difference between the total administrative fee
24 calculation and the amount of the administrative fee withheld
25 pursuant to subparagraph 4. may be used for instructional and
26 administrative purposes as well as for capital outlay purposes
27 specified in s. 1013.62(3) ~~s. 1013.62(2)~~.

28 6. For a high-performing charter school system that also
29 meets the requirements in subparagraph 4., a sponsor may
30 withhold a 2-percent administrative fee for enrollments up to
31 and including 500 students per system.

32 7. Sponsors shall not charge charter schools any additional
33 fees or surcharges for administrative and educational services
34 in addition to the maximum 5-percent administrative fee withheld
35 pursuant to this paragraph.

36 8. The sponsor of a virtual charter school may withhold a
37 fee of up to 5 percent. The funds shall be used to cover the
38 cost of services provided under subparagraph 1. and
39 implementation of the school district's digital classrooms plan
40 pursuant to s. 1011.62.



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41 Section 6. Section 1001.66, Florida Statutes, is created to
42 read:

43 1001.66 Florida College System Performance-Based
44 Incentive.-

45 (1) A Florida College System Performance-Based Incentive
46 shall be awarded to Florida College System institutions using
47 performance-based metrics adopted by the State Board of
48 Education. The performance-based metrics must include retention
49 rates; program completion and graduation rates; postgraduation
50 employment, salaries, and continuing education for workforce
51 education and baccalaureate programs, with wage thresholds that
52 reflect the added value of the certificate or degree; and
53 outcome measures appropriate for associate of arts degree
54 recipients. The state board shall adopt benchmarks to evaluate
55 each institution's performance on the metrics to measure the
56 institution's achievement of institutional excellence or need
57 for improvement and minimum requirements for eligibility to
58 receive performance funding.

59 (2) Each fiscal year, the amount of funds available for
60 allocation to the Florida College System institutions based on
61 the performance-based funding model shall consist of the state's
62 investment in performance funding plus institutional investments
63 consisting of funds to be redistributed from the base funding of
64 the Florida College System Program Fund as determined in the
65 General Appropriations Act. The State Board of Education shall
66 establish minimum performance funding eligibility thresholds for
67 the state's investment and the institutional investments. An
68 institution that fails to meet the minimum state investment
69 performance funding eligibility threshold is ineligible for a



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70 share of the state's investment in performance funding. The
71 institutional investment shall be restored for all institutions
72 eligible for the state's investment under the performance-based
73 funding model.

74 (3) (a) Each Florida College System institution's share of
75 the performance funding shall be calculated based on its
76 relative performance on the established metrics in conjunction
77 with the institutional size and scope.

78 (b) A Florida College System institution that fails to meet
79 the State Board of Education's minimum institutional investment
80 performance funding eligibility threshold shall have a portion
81 of its institutional investment withheld by the state board and
82 must submit an improvement plan to the state board which
83 specifies the activities and strategies for improving the
84 institution's performance. The state board must review and
85 approve the improvement plan and, if the plan is approved, must
86 monitor the institution's progress in implementing the
87 activities and strategies specified in the improvement plan. The
88 institution shall submit monitoring reports to the state board
89 by December 31 and May 31 of each year in which an improvement
90 plan is in place. Beginning in the 2017-2018 fiscal year, the
91 ability of an institution to submit an improvement plan to the
92 state board is limited to 1 fiscal year.

93 (c) The Commissioner of Education shall withhold
94 disbursement of the institutional investment until the
95 monitoring report is approved by the State Board of Education. A
96 Florida College System institution determined by the state board
97 to be making satisfactory progress on implementing the
98 improvement plan shall receive no more than one-half of the



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99 withheld institutional investment in January and the balance of
100 the withheld institutional investment in June. An institution
101 that fails to make satisfactory progress may not have its full
102 institutional investment restored. Any institutional investment
103 funds that are not restored shall be redistributed in accordance
104 with the state board's performance-based metrics.

105 (4) Distributions of performance funding, as provided in
106 this section, shall be made to each of the Florida College
107 System institutions listed in the Florida Colleges category in
108 the General Appropriations Act.

109 (5) By October 1 of each year, the State Board of Education
110 shall submit to the Governor, the President of the Senate, and
111 the Speaker of the House of Representatives a report on the
112 previous fiscal year's performance funding allocation, which
113 must reflect the rankings and award distributions.

114 (6) The State Board of Education shall adopt rules to
115 administer this section.

116 Section 7. Section 1001.92, Florida Statutes, is amended to
117 read:

118 1001.92 State University System Performance-Based
119 Incentive.—

120 (1) A State University System Performance-Based Incentive
121 shall be awarded to state universities using performance-based
122 metrics adopted by the Board of Governors of the State
123 University System. The performance-based metrics must include
124 graduation rates; retention rates; postgraduation education
125 rates; degree production; affordability; postgraduation
126 employment and salaries, including wage thresholds that reflect
127 the added value of a baccalaureate degree; access; and other



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128 metrics approved by the board in a formally noticed meeting. The
129 board shall adopt benchmarks to evaluate each state university's
130 performance on the metrics to measure the state university's
131 achievement of institutional excellence or need for improvement
132 and minimum requirements for eligibility to receive performance
133 funding.

134 (2) Each fiscal year, the amount of funds available for
135 allocation to the state universities based on the performance-
136 based funding model ~~metrics~~ shall consist of the state's
137 investment in appropriation for performance funding, ~~including~~
138 ~~increases in base funding~~ plus institutional investments
139 consisting of funds deducted from the base funding of each state
140 university in the State University System, in an amount provided
141 in the General Appropriations Act. The Board of Governors shall
142 establish minimum performance funding eligibility thresholds for
143 the state's investment and the institutional investments. A
144 state university that fails to meet the minimum state investment
145 performance funding eligibility threshold is ineligible for a
146 share of the state's investment in performance funding. The
147 institutional investment shall be restored for each institution
148 eligible for the state's investment under the performance-based
149 funding model ~~metrics~~.

150 (3) (a) A state university that fails to meet the Board of
151 Governors' minimum institutional investment performance funding
152 eligibility threshold shall have ~~a portion of~~ its institutional
153 investment withheld by the board and must submit an improvement
154 plan to the board that specifies the activities and strategies
155 for improving the state university's performance. The board must
156 review and approve the improvement plan and, if the plan is



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157 approved, must monitor the state university's progress in
158 implementing the activities and strategies specified in the
159 improvement plan. The state university shall submit monitoring
160 reports to the board by December 31 and May 31 of each year in
161 which an improvement plan is in place. The ability of a state
162 university to submit an improvement plan to the board is limited
163 to 1 fiscal year.

164 (b) The Chancellor of the State University System shall
165 withhold disbursement of the institutional investment until the
166 monitoring report is approved by the Board of Governors. A state
167 university ~~that is~~ determined by the board to be making
168 satisfactory progress on implementing the improvement plan shall
169 receive no more than one-half of the withheld institutional
170 investment in January and the balance of the withheld
171 institutional investment in June. A state university that fails
172 to make satisfactory progress may not have its full
173 institutional investment restored. Any institutional investment
174 funds that are not restored shall be redistributed in accordance
175 with the board's performance-based metrics.

176 (4) Distributions of performance funding, as provided in
177 this section, shall be made to each of the state universities
178 listed in the Education and General Activities category in the
179 General Appropriations Act.

180 (5) By October 1 of each year, the Board of Governors shall
181 submit to the Governor, the President of the Senate, and the
182 Speaker of the House of Representatives a report on the previous
183 fiscal year's performance funding allocation which must reflect
184 the rankings and award distributions.

185 (6) The Board of Governors shall adopt regulations to



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186 administer this section ~~expires July 1, 2016.~~

187 Section 8. Subsection (4) of section 1003.4282, Florida
188 Statutes, is amended to read:

189 1003.4282 Requirements for a standard high school diploma.-

190 (4) ONLINE COURSE REQUIREMENT.-At least one course within
191 the 24 credits required under this section must be completed
192 through online learning. ~~A school district may not require a~~
193 ~~student to take the online course outside the school day or in~~
194 ~~addition to a student's courses for a given semester.~~

195 (a) An online course taken in grade 6, grade 7, or grade 8
196 fulfills the ~~this~~ requirement in this subsection. The ~~This~~
197 requirement is met through an online course offered by the
198 Florida Virtual School, a virtual education provider approved by
199 the State Board of Education, a high school, or an online dual
200 enrollment course. A student who is enrolled in a full-time or
201 part-time virtual instruction program under s. 1002.45 meets the
202 ~~this~~ requirement.

203 (b) A district school board or a charter school governing
204 board, as applicable, may offer students the following options
205 to satisfy the online course requirement in this subsection:

206 1. Completion of a course in which a student earns a
207 nationally recognized industry certification in information
208 technology that is identified on the CAPE Industry Certification
209 Funding List pursuant to s. 1008.44 or passage of the
210 information technology certification examination without
211 enrollment in or completion of the corresponding course or
212 courses, as applicable.

213 2. Passage of an online content assessment, without
214 enrollment in or completion of the corresponding course or



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215 courses, as applicable, by which the student demonstrates skills
216 and competency in locating information and applying technology
217 for instructional purposes.

218
219 For purposes of this subsection, a school district may not
220 require a student to take the online course outside the school
221 day or in addition to a student's courses for a given semester.

222 This subsection ~~requirement~~ does not apply to a student who has
223 an individual education plan under s. 1003.57 which indicates
224 that an online course would be inappropriate or to an out-of-
225 state transfer student who is enrolled in a Florida high school
226 and has 1 academic year or less remaining in high school.

227 Section 9. Effective July 1, 2016, and upon the expiration
228 of the amendment to section 1011.62, Florida Statutes, made by
229 chapter 2015-222, Laws of Florida, paragraph (a) of subsection
230 (4) of that section is amended, present subsections (13), (14),
231 and (15) of that section are redesignated as subsections (14),
232 (15), and (16), respectively, a new subsection (13) is added to
233 that section, and present subsection (14) of that section is
234 amended, to read:

235 1011.62 Funds for operation of schools.—If the annual
236 allocation from the Florida Education Finance Program to each
237 district for operation of schools is not determined in the
238 annual appropriations act or the substantive bill implementing
239 the annual appropriations act, it shall be determined as
240 follows:

241 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
242 Legislature shall prescribe the aggregate required local effort
243 for all school districts collectively as an item in the General



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244 Appropriations Act for each fiscal year. The amount that each
245 district shall provide annually toward the cost of the Florida
246 Education Finance Program for kindergarten through grade 12
247 programs shall be calculated as follows:

248 (a) *Estimated taxable value calculations.*—

249 1.a. Not later than 2 working days before ~~prior to~~ July 19,
250 the Department of Revenue shall certify to the Commissioner of
251 Education its most recent estimate of the taxable value for
252 school purposes in each school district and the total for all
253 school districts in the state for the current calendar year
254 based on the latest available data obtained from the local
255 property appraisers. The value certified shall be the taxable
256 value for school purposes for that year, and no further
257 adjustments shall be made, except those made pursuant to
258 paragraphs (c) and (d), or an assessment roll change required by
259 final judicial decisions as specified in paragraph (15) (b)
260 ~~(14) (b)~~. Not later than July 19, the Commissioner of Education
261 shall compute a millage rate, rounded to the next highest one
262 one-thousandth of a mill, which, when applied to 96 percent of
263 the estimated state total taxable value for school purposes,
264 would generate the prescribed aggregate required local effort
265 for that year for all districts. The Commissioner of Education
266 shall certify to each district school board the millage rate,
267 computed as prescribed in this subparagraph, as the minimum
268 millage rate necessary to provide the district required local
269 effort for that year.

270 b. The General Appropriations Act shall direct the
271 computation of the statewide adjusted aggregate amount for
272 required local effort for all school districts collectively from



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273 ad valorem taxes to ensure that no school district's revenue
274 from required local effort millage will produce more than 90
275 percent of the district's total Florida Education Finance
276 Program calculation as calculated and adopted by the
277 Legislature, and the adjustment of the required local effort
278 millage rate of each district that produces more than 90 percent
279 of its total Florida Education Finance Program entitlement to a
280 level that will produce only 90 percent of its total Florida
281 Education Finance Program entitlement in the July calculation.

282 2. On the same date as the certification in sub-
283 subparagraph 1.a., the Department of Revenue shall certify to
284 the Commissioner of Education for each district:

285 a. Each year for which the property appraiser has certified
286 the taxable value pursuant to s. 193.122(2) or (3), if
287 applicable, since the prior certification under sub-subparagraph
288 1.a.

289 b. For each year identified in sub-subparagraph a., the
290 taxable value certified by the appraiser pursuant to s.
291 193.122(2) or (3), if applicable, since the prior certification
292 under sub-subparagraph 1.a. This is the certification that
293 reflects all final administrative actions of the value
294 adjustment board.

295 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
296 connected student supplement is created to provide supplemental
297 funding for school districts to support the education of
298 students connected with federally owned military installations,
299 National Aeronautics and Space Administration (NASA) real
300 property, and Indian lands. To be eligible for this supplement,
301 the district must be eligible for federal Impact Aid Program



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302 funds under s. 8003 of Title VIII of the Elementary and
303 Secondary Education Act of 1965. The supplement shall be
304 allocated annually to each eligible school district in the
305 amount provided in the General Appropriations Act. The
306 supplement shall be the sum of the student allocation and an
307 exempt property allocation.

308 (a) The student allocation shall be calculated based on the
309 number of students reported for federal Impact Aid Program
310 funds, including students with disabilities, who meet one of the
311 following criteria:

312 1. The student has a parent who is on active duty in the
313 uniformed services or is an accredited foreign government
314 official and military officer. Students with disabilities shall
315 also be reported separately for this category.

316 2. The student resides on eligible federally owned Indian
317 land. Students with disabilities shall also be reported
318 separately for this category.

319 3. The student resides with a civilian parent who lives or
320 works on eligible federal property connected with a military
321 installation or NASA. The number of these students shall be
322 multiplied by a factor of 0.5.

323 (b) The total number of federally connected students
324 calculated under paragraph (a) shall be multiplied by a
325 percentage of the base student allocation as provided in the
326 General Appropriations Act. The total of the number of students
327 with disabilities as reported separately under subparagraphs
328 (a)1. and (a)2. shall be multiplied by an additional percentage
329 of the base student allocation as provided in the General
330 Appropriations Act. The base amount and the amount for students



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331 with disabilities shall be summed to provide the student
332 allocation.

333 (c) The exempt property allocation shall be equal to the
334 tax-exempt value of federal impact aid lands reserved as
335 military installations, real property owned by NASA, or eligible
336 federally owned Indian lands located in the district, as of
337 January 1 of the previous year, multiplied by the millage
338 authorized and levied under s. 1011.71(2).

339 (14) ~~(13)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
340 annually in the General Appropriations Act determine a
341 percentage increase in funds per K-12 unweighted FTE as a
342 minimum guarantee to each school district. The guarantee shall
343 be calculated from prior year base funding per unweighted FTE
344 student which shall include the adjusted FTE dollars as provided
345 in subsection (15) ~~(14)~~, quality guarantee funds, and actual
346 nonvoted discretionary local effort from taxes. From the base
347 funding per unweighted FTE, the increase shall be calculated for
348 the current year. The current year funds from which the
349 guarantee shall be determined shall include the adjusted FTE
350 dollars as provided in subsection (15) ~~(14)~~ and potential
351 nonvoted discretionary local effort from taxes. A comparison of
352 current year funds per unweighted FTE to prior year funds per
353 unweighted FTE shall be computed. For those school districts
354 which have less than the legislatively assigned percentage
355 increase, funds shall be provided to guarantee the assigned
356 percentage increase in funds per unweighted FTE student. Should
357 appropriated funds be less than the sum of this calculated
358 amount for all districts, the commissioner shall prorate each
359 district's allocation. This provision shall be implemented to



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360 the extent specifically funded.

361 Section 10. Section 1013.62, Florida Statutes, is amended
362 to read:

363 1013.62 Charter schools capital outlay funding.-

364 (1) In each year in which funds are appropriated for
365 charter school capital outlay purposes, the Commissioner of
366 Education shall allocate the funds among eligible charter
367 schools as specified in this section.

368 (a) To be eligible for a funding allocation, a charter
369 school must:

370 1.a. Have been in operation for 3 or more years;

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

374 c. Be an expanded feeder chain of a charter school within
375 the same school district that is currently receiving charter
376 school capital outlay funds;

377 d. Have been accredited by the Commission on Schools of the
378 Southern Association of Colleges and Schools; or

379 e. Serve students in facilities that are provided by a
380 business partner for a charter school-in-the-workplace pursuant
381 to s. 1002.33(15)(b).

382 2. Have financial stability for future operation as a
383 charter school.

384 3. Have satisfactory student achievement based on state
385 accountability standards applicable to the charter school.

386 4. Have received final approval from its sponsor pursuant
387 to s. 1002.33 for operation during that fiscal year.

388 5. Serve students in facilities that are not provided by



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389 the charter school's sponsor.

390 ~~(b) The first priority for charter school capital outlay~~
391 ~~funding is to allocate to charter schools that received funding~~
392 ~~in the 2005-2006 fiscal year an allocation of the same amount~~
393 ~~per capital outlay full-time equivalent student, up to the~~
394 ~~lesser of the actual number of capital outlay full-time~~
395 ~~equivalent students in the current year, or the capital outlay~~
396 ~~full-time equivalent students in the 2005-2006 fiscal year.~~
397 ~~After calculating the first priority, the second priority is to~~
398 ~~allocate excess funds remaining in the appropriation in an~~
399 ~~amount equal to the per capital outlay full-time equivalent~~
400 ~~student amount in the first priority calculation to eligible~~
401 ~~charter schools not included in the first priority calculation~~
402 ~~and to schools in the first priority calculation with growth~~
403 ~~greater than the 2005-2006 capital outlay full-time equivalent~~
404 ~~students. After calculating the first and second priorities,~~
405 ~~excess funds remaining in the appropriation must be allocated to~~
406 ~~all eligible charter schools.~~

407 ~~(c) A charter school's allocation may not exceed one-~~
408 ~~fifteenth of the cost per student station specified in s.~~
409 ~~1013.64(6) (b). Before releasing capital outlay funds to a school~~
410 ~~district on behalf of the charter school, the Department of~~
411 ~~Education must ensure that the district school board and the~~
412 ~~charter school governing board enter into a written agreement~~
413 ~~that provides for the reversion of any unencumbered funds and~~
414 ~~all equipment and property purchased with public education funds~~
415 ~~to the ownership of the district school board, as provided for~~
416 ~~in subsection (3) if the school terminates operations. Any funds~~
417 ~~recovered by the state shall be deposited in the General Revenue~~



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418 ~~Fund.~~

419 (b) ~~(d)~~ A charter school is not eligible for a funding
420 allocation if it was created by the conversion of a public
421 school and operates in facilities provided by the charter
422 school's sponsor for a nominal fee, or at no charge, or if it is
423 directly or indirectly operated by the school district.

424 (c) It is the intent of the Legislature that the public
425 interest be protected by prohibiting personal financial
426 enrichment by owners, operators, managers, and other affiliated
427 parties of charter schools. A charter school is not eligible for
428 a funding allocation unless the chair of the governing board and
429 the chief administrative officer of the charter school annually
430 certify under oath that the funds will be used solely and
431 exclusively for constructing, renovating, or improving charter
432 school facilities that are:

433 1. Owned by a school district, political subdivision of the
434 state, municipality, Florida College System institution, or
435 state university;

436 2. Owned by an organization, qualified as an exempt
437 organization under s. 501(c)(3) of the Internal Revenue Code,
438 whose articles of incorporation specify that upon the
439 organization's dissolution, the subject property will be
440 transferred to a school district, political subdivision of the
441 state, municipality, Florida College System institution, or
442 state university; or

443 3. Owned by and leased, at a fair market value in the
444 school district in which the charter school is located, from a
445 person or entity that is not an affiliated party of the charter
446 school. For purposes of this paragraph, the term "affiliated



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447 party of the charter school” means the applicant for the charter
448 school pursuant to s. 1002.33; the governing board of the
449 charter school or a member of the governing board; the charter
450 school owner; the charter school principal; an employee of the
451 charter school; an independent contractor of the charter school
452 or the governing board of the charter school; a relative, as
453 defined in s. 1002.33(24) (a)2., of a charter school governing
454 board member, a charter school owner, a charter school
455 principal, a charter school employee, or an independent
456 contractor of a charter school or charter school governing
457 board; a subsidiary corporation, a service corporation, an
458 affiliated corporation, a parent corporation, a limited
459 liability company, a limited partnership, a trust, a
460 partnership, or a related party that individually or through one
461 or more entities that share common ownership or control that
462 directly or indirectly manages, administers, controls, or
463 oversees the operation of the charter school; or any person or
464 entity, individually or through one or more entities that share
465 common ownership, that directly or indirectly manages,
466 administers, controls, or oversees the operation of any of the
467 foregoing.

468 (d) The funding allocation for eligible charter schools
469 shall be calculated as follows:

470 1. Eligible charter schools shall be grouped into
471 categories based on their student populations according to the
472 following criteria:

473 a. Seventy-five percent or greater who are eligible for
474 free or reduced-price school lunch.

475 b. Twenty-five percent or greater with disabilities as



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476 defined in state board rule and consistent with the requirements
477 of the Individuals with Disabilities Education Act.

478 2. If an eligible charter school does not meet the criteria
479 for either category under subparagraph 1., its FTE shall be
480 provided as the base amount of funding and shall be assigned a
481 weight of 1.0. An eligible charter school that meets the
482 criteria under sub-subparagraph 1.a. or sub-subparagraph 1.b.
483 shall be provided an additional 25 percent above the base
484 funding amount, and the total FTE shall be multiplied by a
485 weight of 1.25. An eligible charter school that meets the
486 criteria under both sub-subparagraphs 1.a. and 1.b. shall be
487 provided an additional 50 percent above the base funding amount,
488 and the FTE for that school shall be multiplied by a weight of
489 1.5.

490 3. The state appropriation for charter school capital
491 outlay shall be divided by the total weighted FTE for all
492 eligible charter schools to determine the base charter school
493 per weighted FTE allocation amount. The per weighted FTE
494 allocation amount shall be multiplied by the weighted FTE to
495 determine each charter school's capital outlay allocation.

496 ~~(c) Unless otherwise provided in the General Appropriations~~
497 ~~Act, the funding allocation for each eligible charter school is~~
498 ~~determined by multiplying the school's projected student~~
499 ~~enrollment by one-fifteenth of the cost-per-student station~~
500 ~~specified in s. 1013.64(6)(b) for an elementary, middle, or high~~
501 ~~school, as appropriate. If the funds appropriated are not~~
502 ~~sufficient, the commissioner shall prorate the available funds~~
503 ~~among eligible charter schools. However, a charter school or~~
504 ~~charter lab school may not receive state charter school capital~~



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505 ~~outlay funds greater than the one-fifteenth cost per student~~
506 ~~station formula if the charter school's combination of state~~
507 ~~charter school capital outlay funds, capital outlay funds~~
508 ~~calculated through the reduction in the administrative fee~~
509 ~~provided in s. 1002.33(20), and capital outlay funds allowed in~~
510 ~~s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per~~
511 ~~student station formula.~~

512 (2)(a)(f) The department shall calculate the eligible
513 charter school funding allocations. Funds shall be allocated
514 using distributed on the basis of the capital outlay full-time
515 equivalent membership from by grade level, which is calculated
516 by averaging the results of the second and third enrollment
517 surveys and free and reduced-price school lunch data. The
518 department shall recalculate the allocations periodically based
519 on the receipt of revised information, on a schedule established
520 by the Commissioner of Education.

521 (b) The department of Education shall distribute capital
522 outlay funds monthly, beginning in the first quarter of the
523 fiscal year, based on one-twelfth of the amount the department
524 reasonably expects the charter school to receive during that
525 fiscal year. The commissioner shall adjust subsequent
526 distributions as necessary to reflect each charter school's
527 recalculated allocation actual student enrollment as reflected
528 in the second and third enrollment surveys. The commissioner
529 shall establish the intervals and procedures for determining the
530 projected and actual student enrollment of eligible charter
531 schools.

532 (3)(2) A charter school's governing body may use charter
533 school capital outlay funds for the following purposes:



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- 534 (a) Purchase of real property.
- 535 (b) Construction of school facilities.
- 536 (c) Purchase, lease-purchase, or lease of permanent or
537 relocatable school facilities.
- 538 (d) Purchase of vehicles to transport students to and from
539 the charter school.
- 540 (e) Renovation, repair, and maintenance of school
541 facilities that the charter school owns or is purchasing through
542 a lease-purchase or long-term lease of 5 years or longer.
- 543 (f) Effective July 1, 2008, purchase, lease-purchase, or
544 lease of new and replacement equipment, and enterprise resource
545 software applications that are classified as capital assets in
546 accordance with definitions of the Governmental Accounting
547 Standards Board, have a useful life of at least 5 years, and are
548 used to support schoolwide administration or state-mandated
549 reporting requirements.
- 550 (g) Payment of the cost of premiums for property and
551 casualty insurance necessary to insure the school facilities.
- 552 (h) Purchase, lease-purchase, or lease of driver's
553 education vehicles; motor vehicles used for the maintenance or
554 operation of plants and equipment; security vehicles; or
555 vehicles used in storing or distributing materials and
556 equipment.
- 557
- 558 Conversion charter schools may use capital outlay funds received
559 through the reduction in the administrative fee provided in s.
560 1002.33(20) for renovation, repair, and maintenance of school
561 facilities that are owned by the sponsor.
- 562 (4)~~(3)~~ If ~~When~~ a charter school is nonrenewed or



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563 terminated, any unencumbered funds and all equipment and
564 property purchased with district public funds shall revert to
565 the ownership of the district school board, as provided for in
566 s. 1002.33(8)(e) and (f). In the case of a charter lab school,
567 any unencumbered funds and all equipment and property purchased
568 with university public funds shall revert to the ownership of
569 the state university that issued the charter. The reversion of
570 such equipment, property, and furnishings shall focus on
571 recoverable assets, but not on intangible or irrecoverable costs
572 such as rental or leasing fees, normal maintenance, and limited
573 renovations. The reversion of all property secured with public
574 funds is subject to the complete satisfaction of all lawful
575 liens or encumbrances. If there are additional local issues such
576 as the shared use of facilities or partial ownership of
577 facilities or property, these issues shall be agreed to in the
578 charter contract prior to the expenditure of funds.

579 ~~(5)~~(4) The Commissioner of Education shall specify
580 procedures for submitting and approving requests for funding
581 under this section and procedures for documenting expenditures.

582 ~~(6)~~(5) The annual legislative budget request of the
583 Department of Education shall include a request for capital
584 outlay funding for charter schools. The request shall be based
585 on the projected number of students to be served in charter
586 schools who meet the eligibility requirements of this section. A
587 ~~dedicated funding source, if identified in writing by the~~
588 ~~Commissioner of Education and submitted along with the annual~~
589 ~~charter school legislative budget request, may be considered an~~
590 ~~additional source of funding.~~

591 ~~(6) Unless authorized otherwise by the Legislature,~~



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592 ~~allocation and proration of charter school capital outlay funds~~
593 ~~shall be made to eligible charter schools by the Commissioner of~~
594 ~~Education in an amount and in a manner authorized by subsection~~
595 ~~(1).~~

596 Section 11. Paragraphs (a) and (b) of subsection (2) and
597 paragraphs (b) through (e) of subsection (6) of section 1013.64,
598 Florida Statutes, are amended to read:

599 1013.64 Funds for comprehensive educational plant needs;
600 construction cost maximums for school district capital
601 projects.—Allocations from the Public Education Capital Outlay
602 and Debt Service Trust Fund to the various boards for capital
603 outlay projects shall be determined as follows:

604 (2) (a) The department shall establish, as a part of the
605 Public Education Capital Outlay and Debt Service Trust Fund, a
606 separate account, in an amount determined by the Legislature, to
607 be known as the "Special Facility Construction Account." The
608 Special Facility Construction Account shall be used to provide
609 necessary construction funds to school districts which have
610 urgent construction needs but which lack sufficient resources at
611 present, and cannot reasonably anticipate sufficient resources
612 within the period of the next 3 years, for these purposes from
613 currently authorized sources of capital outlay revenue. A school
614 district requesting funding from the Special Facility
615 Construction Account shall submit one specific construction
616 project, not to exceed one complete educational plant, to the
617 Special Facility Construction Committee. A ~~Ne~~ district may not
618 ~~shall~~ receive funding for more than one approved project in any
619 3-year period or while any portion of the district's
620 participation requirement is outstanding. The first year of the



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621 3-year period shall be the first year a district receives an
622 appropriation. The department shall encourage a construction
623 program that reduces the average size of schools in the
624 district. The request must meet the following criteria to be
625 considered by the committee:

626 1. The project must be deemed a critical need and must be
627 recommended for funding by the Special Facility Construction
628 Committee. ~~Before~~ ~~Prior to~~ developing construction plans for the
629 proposed facility, the district school board must request a
630 preapplication review by the Special Facility Construction
631 Committee or a project review subcommittee convened by the chair
632 of the committee to include two representatives of the
633 department and two staff members from school districts not
634 eligible to participate in the program. A school district may
635 request a preapplication review at any time; however, if the
636 district school board seeks inclusion in the department's next
637 annual capital outlay legislative budget request, the
638 preapplication review request must be made before February 1.
639 Within 90 ~~60~~ days after receiving the preapplication review
640 request, the committee or subcommittee must meet in the school
641 district to review the project proposal and existing facilities.
642 To determine whether the proposed project is a critical need,
643 the committee or subcommittee shall consider, at a minimum, the
644 capacity of all existing facilities within the district as
645 determined by the Florida Inventory of School Houses; the
646 district's pattern of student growth; the district's existing
647 and projected capital outlay full-time equivalent student
648 enrollment as determined by the demographic, revenue, and
649 education estimating conferences established in s. 216.136



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650 ~~department~~; the district's existing satisfactory student
651 stations; the use of all existing district property and
652 facilities; grade level configurations; and any other
653 information that may affect the need for the proposed project.

654 2. The construction project must be recommended in the most
655 recent survey or survey amendment cooperatively prepared surveys
656 by the district and the department, and approved by the
657 department under the rules of the State Board of Education. If a
658 district employs a consultant in the preparation of a survey or
659 survey amendment, the consultant may not be employed by or
660 receive compensation from a third party that designs or
661 constructs a project recommended by the survey.

662 3. The construction project must appear on the district's
663 approved project priority list under the rules of the State
664 Board of Education.

665 4. The district must have selected and had approved a site
666 for the construction project in compliance with s. 1013.36 and
667 the rules of the State Board of Education.

668 5. The district shall have developed a district school
669 board adopted list of facilities that do not exceed the norm for
670 net square feet occupancy requirements under the State
671 Requirements for Educational Facilities, using all possible
672 programmatic combinations for multiple use of space to obtain
673 maximum daily use of all spaces within the facility under
674 consideration.

675 6. Upon construction, the total cost per student station,
676 including change orders, must not exceed the cost per student
677 station as provided in subsection (6) except for cost overruns
678 created by a disaster as defined in s. 252.34 or an



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679 unforeseeable circumstance beyond the district's control as
680 determined by the Special Facility Construction Committee.

681 7. There shall be an agreement signed by the district
682 school board stating that it will advertise for bids within 30
683 days of receipt of its encumbrance authorization from the
684 department.

685 8. For construction projects for which Special Facilities
686 Construction Account funding is sought before the 2019-2020
687 fiscal year, the district shall, at the time of the request and
688 for a continuing period necessary to meet the district's
689 participation requirement of 3 years, levy the maximum millage
690 against its ~~their~~ nonexempt assessed property value as allowed
691 in s. 1011.71(2) or shall raise an equivalent amount of revenue
692 from the school capital outlay surtax authorized under s.
693 212.055(6). Beginning with construction projects for which
694 Special Facilities Construction Account funding is sought in the
695 2019-2020 fiscal year, the district shall, for a minimum of 3
696 years before submitting the request and for a continuing period
697 necessary to meet its participation requirement, levy the
698 maximum millage against the district's nonexempt assessed
699 property value as authorized under s. 1011.71(2) or shall raise
700 an equivalent amount of revenue from the school capital outlay
701 surtax authorized under s. 212.055(6). Any district with a new
702 or active project, funded under the provisions of this
703 subsection, shall be required to budget no more than the value
704 of 1 mill ~~1.5 mills~~ per year to the project until the district's
705 ~~to satisfy the annual~~ participation requirement relating to the
706 local discretionary capital improvement millage or the
707 equivalent amount of revenue from the school capital outlay



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708 surtax is satisfied in the Special Facility Construction
709 Account.

710 9. If a contract has not been signed 90 days after the
711 advertising of bids, the funding for the specific project shall
712 revert to the Special Facility New Construction Account to be
713 reallocated to other projects on the list. However, an
714 additional 90 days may be granted by the commissioner.

715 10. The department shall certify the inability of the
716 district to fund the survey-recommended project over a
717 continuous 3-year period using projected capital outlay revenue
718 derived from s. 9(d), Art. XII of the State Constitution, as
719 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

720 11. The district shall have on file with the department an
721 adopted resolution acknowledging its 3-year commitment to
722 satisfy its participation requirement, which is equivalent to of
723 all unencumbered and future revenue acquired from s. 9(d), Art.
724 XII of the State Constitution, as amended, paragraph (3)(a) of
725 this section, and s. 1011.71(2), in the year of the initial
726 appropriation and for the 2 years immediately following the
727 initial appropriation.

728 12. Final phase III plans must be certified by the district
729 school board as complete and in compliance with the building and
730 life safety codes before June 1 of the year the application is
731 made prior to August 1.

732 (b) The Special Facility Construction Committee shall be
733 composed of the following: two representatives of the Department
734 of Education, a representative from the Governor's office, a
735 representative selected annually by the district school boards,
736 and a representative selected annually by the superintendents. A



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737 representative of the department shall chair the committee.

738 (6)

739 (b)1. A district school board may ~~must~~ not use funds from
740 the following sources: Public Education Capital Outlay and Debt
741 Service Trust Fund; School District and Community College
742 District Capital Outlay and Debt Service Trust Fund; Classrooms
743 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
744 levy of ad valorem property taxes provided in s. 1011.71(2);
745 Classrooms for Kids Program funds provided in s. 1013.735;
746 District Effort Recognition Program funds provided in s.
747 1013.736; or High Growth District Capital Outlay Assistance
748 Grant Program funds provided in s. 1013.738 for any new
749 construction of educational plant space with a total cost per
750 student station, including change orders, that equals more than:
751 a. \$17,952 for an elementary school,
752 b. \$19,386 for a middle school, or
753 c. \$25,181 for a high school,

754

755 (January 2006) as adjusted annually to reflect increases or
756 decreases in the Consumer Price Index.

757 2. School districts shall maintain accurate documentation
758 related to the costs of all new construction of educational
759 plant space reported to the Department of Education pursuant to
760 paragraph (d). The Auditor General shall review the
761 documentation maintained by the school districts and verify
762 compliance with the limits under this paragraph during its
763 scheduled operational audits of the school district. The
764 department shall make the final determination on district
765 compliance based on the recommendation of the Auditor General.



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766 3. The Office of Program Policy Analysis and Government
767 Accountability (OPPAGA), in consultation with the department,
768 shall:

769 a. Conduct a study of the cost per student station amounts
770 using the most recent available information on construction
771 costs. In this study, the costs per student station should
772 represent the costs of classroom construction and administrative
773 offices as well as the supplemental costs of core facilities,
774 including required media centers, gymnasiums, music rooms,
775 cafeterias and their associated kitchens and food service areas,
776 vocational areas, and other defined specialty areas, including
777 exceptional student education areas. The study must take into
778 account appropriate cost-effectiveness factors in school
779 construction and should include input from industry experts.
780 OPPAGA must provide the results of the study and recommendations
781 on the cost per student station to the Governor, the President
782 of the Senate, and the Speaker of the House of Representatives
783 no later than January 31, 2017.

784 b. Conduct a study of the State Requirements for Education
785 Facilities (SREF) to identify current requirements that can be
786 eliminated or modified in order to decrease the cost of
787 construction of educational facilities while ensuring student
788 safety. OPPAGA must provide the results of the study, and an
789 overall recommendation as to whether SREF should be retained, to
790 the Governor, the President of the Senate, and the Speaker of
791 the House of Representatives no later than January 31, 2017.

792 4. Effective July 1, 2017, in addition to the funding
793 sources listed in subparagraph 1., a district school board may
794 not use funds from any sources for new construction of



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795 educational plant space with a total cost per student station,
796 including change orders, which equals more than the current
797 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
798 shall subsequently be adjusted annually to reflect increases or
799 decreases in the Consumer Price Index.

800 5.2- A district school board must not use funds from the
801 Public Education Capital Outlay and Debt Service Trust Fund or
802 the School District and Community College District Capital
803 Outlay and Debt Service Trust Fund for any new construction of
804 an ancillary plant that exceeds 70 percent of the average cost
805 per square foot of new construction for all schools.

806 (c) Except as otherwise provided, new construction
807 initiated by a district school board on or after July 1, 2017,
808 may after June 30, 1997, must not exceed the cost per student
809 station as provided in paragraph (b). A school district that
810 exceeds the cost per student station provided in paragraph (b),
811 as determined by the Auditor General, shall be subject to
812 sanctions. If the Auditor General determines that the cost per
813 student station overage is de minimus or due to extraordinary
814 circumstances outside the control of the district, the sanctions
815 shall not apply. The sanctions are as follows:

816 1. The school district shall be ineligible for allocations
817 from the Public Education Capital Outlay and Debt Service Trust
818 Fund for the next 3 years in which the school district would
819 have received allocations had the violation not occurred.

820 2. The school district shall be subject to the supervision
821 of a district capital outlay oversight committee. The oversight
822 committee is authorized to approve all capital outlay
823 expenditures of the school district, including new construction,



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824 renovations, and remodeling, for 3 fiscal years following the
825 violation.

826 a. Each oversight committee shall be composed of the
827 following:

828 (I) One appointee of the Commissioner of Education who has
829 significant financial management, school facilities
830 construction, or related experience.

831 (II) One appointee of the office of the state attorney with
832 jurisdiction over the district.

833 (III) One appointee of the Chief Financial Officer who is a
834 licensed certified public accountant.

835 b. An appointee to the oversight committee may not be
836 employed by the school district; be a relative, as defined in s.
837 1002.33(24)(a)2., of any school district employee; or be an
838 elected official. Each appointee must sign an affidavit
839 attesting to these conditions and affirming that no conflict of
840 interest exists in his or her oversight role.

841 (d) The department shall:

842 1. Compute for each calendar year the statewide average
843 construction costs for facilities serving each instructional
844 level, for relocatable educational facilities, for
845 administrative facilities, and for other ancillary and auxiliary
846 facilities. The department shall compute the statewide average
847 costs per student station for each instructional level.

848 2. Annually review the actual completed construction costs
849 of educational facilities in each school district. For any
850 school district in which the total actual cost per student
851 station, including change orders, exceeds the statewide limits
852 established in paragraph (b), the school district shall report



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853 to the department the actual cost per student station and the
854 reason for the school district's inability to adhere to the
855 limits established in paragraph (b). The department shall
856 collect all such reports and shall provide these reports to the
857 Auditor General for verification purposes ~~report to the~~
858 ~~Governor, the President of the Senate, and the Speaker of the~~
859 ~~House of Representatives by December 31 of each year a summary~~
860 ~~of each school district's spending in excess of the cost per~~
861 ~~student station provided in paragraph (b) as reported by the~~
862 ~~school districts.~~

863
864 Cost per student station includes contract costs, legal and
865 administrative costs, fees of architects and engineers,
866 furniture and equipment, and site improvement costs. Cost per
867 student station does not include the cost of purchasing or
868 leasing the site for the construction or the cost of related
869 offsite improvements.

870 ~~(c) The restrictions of this subsection on the cost per~~
871 ~~student station of new construction do not apply to a project~~
872 ~~funded entirely from proceeds received by districts through~~
873 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
874 ~~State Constitution, if the school board approves the project by~~
875 ~~majority vote.~~

876
877 ===== T I T L E A M E N D M E N T =====

878 And the title is amended as follows:

879 Delete line 2658

880 and insert:

881 exemption from certain administrative fees; conforming



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882 cross-references; creating s. 1001.66, F.S.; creating
883 a Florida College System Performance-Based Incentive
884 for Florida College System institutions; requiring the
885 State Board of Education to adopt certain metrics and
886 benchmarks; providing for funding and allocation of
887 the incentives; authorizing the state board to
888 withhold an institution's incentive under certain
889 circumstances; requiring the Commissioner of Education
890 to withhold certain disbursements under certain
891 circumstances; providing for reporting and rulemaking;
892 amending s. 1001.92, F.S.; requiring performance-based
893 metrics to include specified wage thresholds;
894 requiring the board to establish minimum performance
895 funding eligibility thresholds; prohibiting a state
896 university that fails to meet the state's threshold
897 from eligibility for a share of the state's investment
898 performance funding; requiring the board to adopt
899 regulations; deleting an expiration; amending s.
900 1003.4282, F.S.; revising the online course
901 requirement; authorizing a district school board or a
902 charter school governing board to offer certain
903 additional options to meet the requirement; amending
904 s. 1011.62, F.S.; creating a federally connected
905 student supplement for school districts; specifying
906 eligibility requirements and calculations for
907 allocations of the supplement; amending s. 1013.62,
908 F.S.; deleting provisions relating to priorities for
909 charter school capital outlay funding; deleting
910 provisions relating to a charter school's allocation;



911 providing that a charter school is not eligible for
912 funding unless it meets certain requirements; defining
913 the term "affiliated party of the charter school";
914 revising the funding allocation calculation; requiring
915 the Department of Education to calculate and
916 periodically recalculate, as necessary, the eligible
917 charter school funding allocations; deleting
918 provisions relating to certain duties of the
919 Commissioner of Education; amending s. 1013.64, F.S.;
920 providing that a school district may not receive funds
921 from the Special Facility Construction Account under
922 certain circumstances; revising the criteria for a
923 request for funding; authorizing the request for a
924 preapplication review to take place at any time;
925 providing exceptions; revising the timeframe for
926 completion of the review; providing that certain
927 capital outlay full-time equivalent student enrollment
928 estimates be determined by specified estimating
929 conferences; requiring surveys to be cooperatively
930 prepared by certain entities and approved by the
931 Department of Education; prohibiting certain
932 consultants from specified employment and
933 compensation; providing an exception to prohibiting
934 the cost per student station from exceeding a certain
935 amount; requiring a school district to levy the
936 maximum millage against certain property value under
937 certain circumstances; reducing the required millage
938 to be budgeted for a project; requiring certain plans
939 to be finalized by a specified date; requiring a



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940 representative of the department to chair the Special
941 Facility Construction Committee; requiring school
942 districts to maintain accurate documentation related
943 to specified costs; requiring the Auditor General to
944 review such documentation; providing that the
945 department makes final determinations on compliance;
946 requiring the Office of Program Policy Analysis and
947 Government Accountability to conduct a study, in
948 consultation with the department, on cost per student
949 station amounts and on the State Requirements for
950 Education Facilities; requiring reports to the
951 Governor and the Legislature by a specified date;
952 prohibiting a district school board from using funds
953 for specified purposes for certain projects; providing
954 sanctions for school districts that exceed certain
955 costs; providing for the creation of a district
956 capital outlay oversight committee; providing for
957 membership of the oversight committee; requiring the
958 department to provide certain reports to the Auditor
959 General; deleting a provision relating to
960 applicability of certain restrictions on the cost per
961 student station of new construction; amending