

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Diaz, M. offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (19) and paragraph (a) of subsection
6 (20) of section 1002.33, Florida Statutes, are amended to read:

7 1002.33 Charter schools.—

8 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
9 for capital outlay funds pursuant to ss. 1011.71(2) and ~~s.~~
10 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and
11 1013.62 which have been shared with a charter school-in-the-
12 workplace prior to July 1, 2010, are deemed to have met the
13 authorized expenditure requirements for such funds.

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14 (20) SERVICES.—

15 (a)1. A sponsor shall provide certain administrative and
16 educational services to charter schools. These services shall
17 include contract management services; full-time equivalent and
18 data reporting services; exceptional student education
19 administration services; services related to eligibility and
20 reporting duties required to ensure that school lunch services
21 under the National School ~~federal~~ Lunch Program, consistent with
22 the needs of the charter school, are provided by the school
23 district at the request of the charter school, that any funds
24 due to the charter school under the National School ~~federal~~
25 Lunch Program be paid to the charter school as soon as the
26 charter school begins serving food under the National School
27 ~~federal~~ Lunch Program, and that the charter school is paid at
28 the same time and in the same manner under the National School
29 ~~federal~~ Lunch Program as other public schools serviced by the
30 sponsor or the school district; test administration services,
31 including payment of the costs of state-required or district-
32 required student assessments; processing of teacher certificate
33 data services; and information services, including equal access
34 to student information systems that are used by public schools
35 in the district in which the charter school is located. Student
36 performance data for each student in a charter school,
37 including, but not limited to, FCAT scores, standardized test
38 scores, previous public school student report cards, and student

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39 performance measures, shall be provided by the sponsor to a
40 charter school in the same manner provided to other public
41 schools in the district.

42 2. A total administrative fee for the provision of such
43 services shall be calculated based upon up to 5 percent of the
44 available funds defined in paragraph (17)(b) for all students,
45 except that when 75 percent or more of the students enrolled in
46 the charter school are exceptional students as defined in s.
47 1003.01(3), the 5 percent of those available funds shall be
48 calculated based on unweighted full-time equivalent students.
49 However, a sponsor may only withhold up to a 5-percent
50 administrative fee for enrollment for up to and including 250
51 students. For charter schools with a population of 251 or more
52 students, the difference between the total administrative fee
53 calculation and the amount of the administrative fee withheld
54 may only be used for capital outlay purposes specified in s.
55 1013.62(4) ~~1013.62(3)~~.

56 3. For high-performing charter schools, as defined in s.
57 1002.331, a sponsor may withhold a total administrative fee of
58 up to 2 percent for enrollment up to and including 250 students
59 per school.

60 4. In addition, a sponsor may withhold only up to a 5-
61 percent administrative fee for enrollment for up to and
62 including 500 students within a system of charter schools which
63 meets all of the following:

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- 64 a. Includes both conversion charter schools and
65 nonconversion charter schools;
- 66 b. Has all schools located in the same county;
- 67 c. Has a total enrollment exceeding the total enrollment
68 of at least one school district in the state;
- 69 d. Has the same governing board; and
- 70 e. Does not contract with a for-profit service provider
71 for management of school operations.

72 5. The difference between the total administrative fee
73 calculation and the amount of the administrative fee withheld
74 pursuant to subparagraph 4. may be used for instructional and
75 administrative purposes as well as for capital outlay purposes
76 specified in s. 1013.62(4) ~~1013.62(3)~~.

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

81 7. Sponsors shall not charge charter schools any
82 additional fees or surcharges for administrative and educational
83 services in addition to the maximum 5-percent administrative fee
84 withheld pursuant to this paragraph.

85 8. The sponsor of a virtual charter school may withhold a
86 fee of up to 5 percent. The funds shall be used to cover the
87 cost of services provided under subparagraph 1. and

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88 implementation of the school district's digital classrooms plan
89 pursuant to s. 1011.62.

90 Section 2. Subsection (2) of section 1011.71, Florida
91 Statutes, is amended to read:

92 1011.71 District school tax.—

93 (2) In addition to the maximum millage levy as provided in
94 subsection (1), each school board may levy not more than 1.5
95 mills against the taxable value for school purposes for ~~district~~
96 ~~schools, including~~ charter schools pursuant to s. 1013.62(3) and
97 for district schools ~~at the discretion of the school board,~~ to
98 fund:

99 (a) New construction and remodeling projects, as set forth
100 in s. 1013.64(3)(b) and (6)(b) and included in the district's
101 educational plant survey pursuant to s. 1013.31, without regard
102 to prioritization, sites and site improvement or expansion to
103 new sites, existing sites, auxiliary facilities, athletic
104 facilities, or ancillary facilities.

105 (b) Maintenance, renovation, and repair of existing school
106 plants or of leased facilities to correct deficiencies pursuant
107 to s. 1013.15(2).

108 (c) The purchase, lease-purchase, or lease of school
109 buses.

110 (d) The purchase, lease-purchase, or lease of computer and
111 device ~~new and replacement equipment; computer hardware and~~
112 operating system software, ~~including electronic hardware and~~

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113 ~~other hardware devices~~ necessary for gaining access to or
114 enhancing the use of electronic and digital instructional
115 content and resources ~~or to facilitate the access to and the use~~
116 ~~of a school district's digital classrooms plan pursuant to s.~~
117 ~~1011.62, excluding software other than the operating system~~
118 ~~necessary to operate the hardware or device;~~ and enterprise
119 resource software applications that are classified as capital
120 assets in accordance with definitions of the Governmental
121 Accounting Standards Board, have a useful life of at least 5
122 years, and are used to support districtwide administration or
123 state-mandated reporting requirements. Enterprise resource
124 software may be acquired by annual license fees, maintenance
125 fees, or lease agreements.

126 (e) Payments for educational facilities and sites due
127 under a lease-purchase agreement entered into by a district
128 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
129 exceeding, in the aggregate, an amount equal to three-fourths of
130 the proceeds from the millage levied by a district school board
131 pursuant to this subsection. The three-fourths limit is waived
132 for lease-purchase agreements entered into before June 30, 2009,
133 by a district school board pursuant to this paragraph.

134 (f) Payment of loans approved pursuant to ss. 1011.14 and
135 1011.15.

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136 (g) Payment of costs directly related to complying with
137 state and federal environmental statutes, rules, and regulations
138 governing school facilities.

139 (h) Payment of costs of leasing relocatable educational
140 facilities, of renting or leasing educational facilities and
141 sites pursuant to s. 1013.15(2), or of renting or leasing
142 buildings or space within existing buildings pursuant to s.
143 1013.15(4).

144 (i) Payment of the cost of school buses when a school
145 district contracts with a private entity to provide student
146 transportation services if the district meets the requirements
147 of this paragraph.

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

152 2. Each such school bus must be used for the daily
153 transportation of public school students in the manner required
154 by the school district.

155 3. Annual payment for each such school bus may not exceed
156 10 percent of the purchase price of the state pool bid.

157 4. The proposed expenditure of the funds for this purpose
158 must have been included in the district school board's notice of
159 proposed tax for school capital outlay as provided in s.
160 200.065(10).

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

163 Section 3. Section 1013.62, Florida Statutes, is amended
164 to read:

165 1013.62 Charter schools capital outlay funding.-

166 (1) Charter school capital outlay funding shall consist of
167 revenue resulting from the discretionary millage authorized in
168 s. 1011.71(2) and state funds when such funds are appropriated
169 in the General Appropriations Act ~~In each year in which funds~~
170 ~~are appropriated for charter school capital outlay purposes, the~~
171 ~~Commissioner of Education shall allocate the funds among~~
172 ~~eligible charter schools as specified in this section.~~

173 (a) To be eligible to receive capital outlay funds ~~for a~~
174 ~~funding allocation~~, a charter school must:

175 1. Use facilities that are:

176 a. Owned by a school district, political subdivision of
177 the state, municipality, Florida College System institution, or
178 state university;

179 b. Owned by an organization, qualified as an exempt
180 organization under s. 501(c)(3) of the Internal Revenue Code; or

181 c. Owned by and leased, at a fair market value in the
182 school district in which the charter school is located, from a
183 person or entity that is not an affiliated party of the charter
184 school. For purposes of this sub-subparagraph, the term
185 "affiliated party of the charter school" means the applicant for

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186 the charter school pursuant to s. 1002.33; the governing board
187 of the charter school or a member of the governing board; the
188 charter school owner; the charter school principal; an employee
189 of the charter school; an independent contractor of the charter
190 school or the governing board of the charter school; a relative,
191 as defined in s. 1002.33(24)(a)2., of a charter school governing
192 board member, a charter school owner, a charter school
193 principal, a charter school employee, or an independent
194 contractor of a charter school or charter school governing
195 board; a subsidiary corporation, a service corporation, an
196 affiliated corporation, a parent corporation, a limited
197 liability company, a limited partnership, a trust, a
198 partnership, or a related party, individually or through one or
199 more entities that share common ownership or control, that
200 directly or indirectly manages, administers, controls, or
201 oversees the operation of the charter school; or any person or
202 entity, individually or through one or more entities that share
203 common ownership, that directly or indirectly manages,
204 administers, controls, or oversees the operation of any of the
205 foregoing.

206 2. Have been in operation for 2 or more years.

207 3. Have earned no more than two consecutive school grades
208 lower than "B" unless the school serves a student population at
209 least 50 percent of which is eligible for free or reduced-price
210 school lunch under the National School Lunch Program or, for

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211 schools operating programs under the Community Eligibility
212 Provision of the Health, Hunger-Free Kids Act of 2010, an
213 equivalent percentage of the student population eligible for
214 free and reduced-price meals as determined by applying the
215 multiplier authorized under the National School Lunch Act, 42
216 U.S.C. s. 1759a(a) (1) (F) (vii), to the number of students
217 reported for direct certification.

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

219 ~~b. Be governed by a governing board established in the~~
220 ~~state for 3 or more years which operates both charter schools~~
221 ~~and conversion charter schools within the state;~~

222 ~~c. Be an expanded feeder chain of a charter school within~~
223 ~~the same school district that is currently receiving charter~~
224 ~~school capital outlay funds;~~

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

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

230 ~~4.2.~~ Have an annual audit that does not reveal any of the
231 financial emergency conditions provided in s. 218.503(1) for the
232 most recent fiscal year for which such audit results are
233 available.

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

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236 ~~5.4.~~ Have received final approval from its sponsor
237 pursuant to s. 1002.33 for operation during that fiscal year.

238 ~~6.5.~~ Serve students in facilities that are not provided by
239 the charter school's sponsor.

240 (b) A charter school is not eligible to receive capital
241 outlay funds for a funding allocation if it was created by the
242 conversion of a public school and operates in facilities
243 provided by the charter school's sponsor for a nominal fee, or
244 at no charge, or if it is directly or indirectly operated by the
245 school district.

246 ~~(2)(e)~~ The department shall use the following calculation
247 methodology to allocate state funds appropriated in the General
248 Appropriations Act to eligible charter schools ~~The funding~~
249 ~~allocation for eligible charter schools shall be calculated as~~
250 ~~follows:~~

251 ~~(a)1.~~ Eligible charter schools shall be grouped into
252 categories based on their student populations according to the
253 following criteria:

254 ~~1.a.~~ Seventy-five percent or greater who are eligible for
255 free or reduced-price school meals under the National School
256 Lunch Program or, for schools operating programs under the
257 Community Eligibility Provision of the Healthy, Hunger-Free Kids
258 Act of 2010, an equivalent percentage of the student population
259 eligible for free and reduced-price meals as determined by
260 applying the multiplier authorized under the National School

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261 Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of
262 students reported for direct certification lunch.

263 ~~2.b.~~ Twenty-five percent or greater with disabilities as
264 defined in state board rule and consistent with the requirements
265 of the Individuals with Disabilities Education Act.

266 ~~(b)2.~~ If an eligible charter school does not meet the
267 criteria for either category under paragraph (a) subparagraph
268 ~~1.~~, its FTE shall be provided as the base amount of funding and
269 shall be assigned a weight of 1.0. An eligible charter school
270 that meets the criteria under subparagraph (a)1. or subparagraph
271 (a)2. sub-subparagraph 1.a. or sub-subparagraph 1.b. shall be
272 provided an additional 25 percent above the base funding amount,
273 and the total FTE shall be multiplied by a weight of 1.25. An
274 eligible charter school that meets the criteria under both
275 subparagraphs (a)1. and (a)2. sub-subparagraphs 1.a. and b.
276 shall be provided an additional 50 percent above the base
277 funding amount, and the FTE for that school shall be multiplied
278 by a weight of 1.5.

279 ~~(c)3.~~ The state appropriation for charter school capital
280 outlay shall be divided by the total weighted FTE for all
281 eligible charter schools to determine the base charter school
282 per weighted FTE allocation amount. The per weighted FTE
283 allocation amount shall be multiplied by the weighted FTE to
284 determine each charter school's capital outlay allocation.

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285 ~~(d)(2)(a)~~ The department shall calculate the eligible
286 charter school funding allocations. Funds shall be allocated
287 using full-time equivalent membership from the second and third
288 enrollment surveys and free and reduced-price school meals under
289 the National School Lunch Program data. The department shall
290 recalculate the allocations periodically based on the receipt of
291 revised information, on a schedule established by the
292 Commissioner of Education.

293 ~~(e)(b)~~ The department shall distribute capital outlay
294 funds monthly, beginning in the first quarter of the fiscal
295 year, based on one-twelfth of the amount the department
296 reasonably expects the charter school to receive during that
297 fiscal year. The commissioner shall adjust subsequent
298 distributions as necessary to reflect each charter school's
299 recalculated allocation.

300 (3) If the school board levies the discretionary millage
301 authorized in s. 1011.71(2), the department shall use the
302 following calculation methodology to determine the amount of
303 revenue that a school district must distribute to each eligible
304 charter school:

305 (a) Reduce the total discretionary millage revenue by the
306 school district's annual debt service obligation incurred as of
307 March 1, 2017.

308 (b) Divide the school district's adjusted discretionary
309 millage revenue by the district's total capital outlay full-time

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310 equivalent membership and the total number of unweighted full-
311 time equivalent students of each eligible charter school to
312 determine a capital outlay allocation per full-time equivalent
313 student.

314 (c) Multiply the capital outlay allocation per full-time
315 equivalent student by the total number of full-time equivalent
316 students of each eligible charter school to determine the
317 capital outlay allocation for each charter school.

318 (d) If applicable, reduce the capital outlay allocation
319 identified in paragraph (c) by the total amount of state funds
320 allocated to each eligible charter school in subsection (2) to
321 determine the maximum calculated capital outlay allocation.

322 (e) School districts shall distribute capital outlay funds
323 to charter schools no later than February 1 of each year,
324 beginning on February 1, 2018, for the 2017-2018 fiscal year.

325 (4) ~~(3)~~ A charter school's governing body may use charter
326 school capital outlay funds for the following purposes:

327 (a) Purchase of real property.

328 (b) Construction of school facilities.

329 (c) Purchase, lease-purchase, or lease of permanent or
330 relocatable school facilities.

331 (d) Purchase of vehicles to transport students to and from
332 the charter school.

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

336 ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~
337 ~~lease of new and replacement equipment, and enterprise resource~~
338 ~~software applications that are classified as capital assets in~~
339 ~~accordance with definitions of the Governmental Accounting~~
340 ~~Standards Board, have a useful life of at least 5 years, and are~~
341 ~~used to support schoolwide administration or state-mandated~~
342 ~~reporting requirements.~~

343 ~~(f)(g)~~ Payment of the cost of premiums for property and
344 casualty insurance necessary to insure the school facilities.

345 ~~(g)(h)~~ Purchase, lease-purchase, or lease of driver's
346 education vehicles; motor vehicles used for the maintenance or
347 operation of plants and equipment; security vehicles; or
348 vehicles used in storing or distributing materials and
349 equipment.

350 (h) Purchase, lease-purchase, or lease of computer and
351 device hardware and operating system software necessary for
352 gaining access to or enhancing the use of electronic and digital
353 instructional content and resources; and enterprise resource
354 software applications that are classified as capital assets in
355 accordance with definitions of the Governmental Accounting
356 Standards Board, have a useful life of at least 5 years, and are
357 used to support schoolwide administration or state-mandated

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358 reporting requirements. Enterprise resource software may be
359 acquired by annual license fees, maintenance fees, or lease
360 agreement.

361 (i) Payment of the cost of the opening day collection for
362 the library media center of a new school.

363
364 Conversion charter schools may use capital outlay funds received
365 through the reduction in the administrative fee provided in s.
366 1002.33(20) for renovation, repair, and maintenance of school
367 facilities that are owned by the sponsor.

368 (5)-(4) If a charter school is nonrenewed or terminated,
369 any unencumbered funds and all equipment and property purchased
370 with district public funds shall revert to the ownership of the
371 district school board, as provided for in s. 1002.33(8)(e) and
372 (f). In the case of a charter lab school, any unencumbered funds
373 and all equipment and property purchased with university public
374 funds shall revert to the ownership of the state university that
375 issued the charter. The reversion of such equipment, property,
376 and furnishings shall focus on recoverable assets, but not on
377 intangible or irrecoverable costs such as rental or leasing
378 fees, normal maintenance, and limited renovations. The reversion
379 of all property secured with public funds is subject to the
380 complete satisfaction of all lawful liens or encumbrances. If
381 there are additional local issues such as the shared use of
382 facilities or partial ownership of facilities or property, these

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383 issues shall be agreed to in the charter contract prior to the
384 expenditure of funds.

385 ~~(6)-(5)~~ The Commissioner of Education shall specify
386 procedures for submitting and approving requests for funding
387 under this section and procedures for documenting expenditures.

388 ~~(7)-(6)~~ The annual legislative budget request of the
389 Department of Education shall include a request for capital
390 outlay funding for charter schools. The request shall be based
391 on the projected number of students to be served in charter
392 schools who meet the eligibility requirements of this section.

393 Section 4. Effective upon this act becoming a law,
394 paragraphs (a), (b), and (c) of subsection (3) of section
395 1013.64, Florida Statutes, are amended to read:

396 1013.64 Funds for comprehensive educational plant needs;
397 construction cost maximums for school district capital
398 projects.—Allocations from the Public Education Capital Outlay
399 and Debt Service Trust Fund to the various boards for capital
400 outlay projects shall be determined as follows:

401 (3) (a) Each district school board shall receive an amount
402 from the Public Education Capital Outlay and Debt Service Trust
403 Fund to be calculated by computing the capital outlay membership
404 as determined by the department. Such membership must include,
405 but is not limited to, prekindergarten through grade 12÷

406 ~~1. K-12~~ students whose instruction is funded by the
407 Florida Education Finance Program and ~~prekindergarten~~

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408 ~~exceptional students for whom the school district provides the~~
409 ~~educational facility., except hospital- and homebound part-time~~
410 ~~students; and~~

411 ~~2. Students who are career education students, and adult~~
412 ~~disabled students and who are enrolled in school district career~~
413 ~~centers.~~

414 (b) The capital outlay full-time equivalent membership
415 shall be determined ~~for prekindergarten exceptional education~~
416 ~~students, kindergarten through the 12th grade, and for career~~
417 ~~centers~~ by counting the reported unweighted full-time equivalent
418 student membership for the second and third surveys with each
419 survey limited to 0.5 full-time equivalent student membership
420 per student and comparing the results on a school-by-school
421 basis with the Florida Inventory of School Houses. Funds
422 accruing to a district school board from the provisions of this
423 section shall be expended on needed projects as shown by survey
424 or surveys under the rules of the State Board of Education. ~~If~~
425 ~~the prior academic year's third survey count is higher than the~~
426 ~~current year's second survey count when comparing the results on~~
427 ~~a school-by-school basis with the Florida Inventory of School~~
428 ~~Houses, the prior year's third survey count shall be used on a~~
429 ~~school-by-school basis for determining the current capital~~
430 ~~outlay membership. The Florida Inventory of School Houses shall~~
431 ~~be updated with the current capital outlay membership count as~~

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432 ~~soon as practicable after verification of the capital outlay~~
433 ~~membership.~~

434 (c) The capital outlay full-time equivalent membership by
435 grade level organization shall be used in making calculations.
436 The capital outlay full-time equivalent membership by grade
437 level organization for the 4th prior year must be used to
438 compute the base-year allocation. The capital outlay full-time
439 equivalent membership by grade-level organization for the prior
440 year must be used to compute the growth over the highest of the
441 3 years preceding the prior year. From the total amount
442 appropriated by the Legislature pursuant to this subsection, 40
443 percent shall be allocated among the base capital outlay full-
444 time equivalent membership and 60 percent among the growth
445 capital outlay full-time equivalent membership. The allocation
446 within each of these groups shall be prorated to the districts
447 based upon each district's percentage of base and growth capital
448 outlay full-time equivalent membership. The most recent 4-year
449 capital outlay full-time equivalent membership data shall be
450 used in each subsequent year's calculation for the allocation of
451 funds pursuant to this subsection. If a change, correction, or
452 recomputation of data during any year results in a reduction or
453 increase of the calculated amount previously allocated to a
454 district, the allocation to that district shall be adjusted
455 accordingly. If such recomputation results in an increase or
456 decrease of the calculated amount, such additional or reduced

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457 amounts shall be added to or reduced from the district's future
458 appropriations. However, no change, correction, or recomputation
459 of data shall be made subsequent to 2 years following the
460 initial annual allocation.

461 Section 5. Except as otherwise expressly provided in this
462 act and except for this section, which shall take effect upon
463 this act becoming a law, this act shall take effect July 1,
464 2017.

465 -----

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

467 Remove everything before the enacting clause and insert:

468 A bill to be entitled

469 An act relating to capital outlay funding; amending s.
470 1002.33, F.S.; conforming provisions to changes made
471 by the act; amending s. 1011.71, F.S.; providing that
472 charter schools are eligible for school districts
473 discretionary millage for specified purposes; revising
474 the approved uses of the discretionary millage;
475 authorizing the acquisition of enterprise resource
476 software through specified means; amending s. 1013.62,
477 F.S.; providing that charter school capital outlay
478 funds shall consist of specified funds; revising
479 charter school eligibility criteria for capital outlay
480 funds; providing a definition; revising the
481 calculation methodology for state funds appropriated

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482 for charter school capital outlay; providing the
483 calculation methodology for the distribution of
484 specified revenue to eligible charter schools;
485 revising the authorized uses of charter school capital
486 outlay funds; amending s. 1013.64, F.S.; revising the
487 calculation of capital outlay membership for
488 allocations to school districts from the Public
489 Education Capital Outlay and Debt Service Trust Fund;
490 providing for the expenditure of funds; providing
491 effective dates.

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