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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/15/2018 | . | |
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Appropriations Subcommittee on Pre-K - 12 Education (Farmer)
recommended the following:

1 **Senate Amendment to Amendment (396932) (with directory and**
2 **title amendments)**

3
4 Between lines 869 and 870
5 insert:

6 (1) Charter school capital outlay funding shall consist of
7 revenue resulting from the discretionary millage authorized in
8 s. 1011.71(2) and state funds when such funds are appropriated
9 in the General Appropriations Act.

10 (c) It is the intent of the Legislature that the public



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11 interest be protected by prohibiting personal financial
12 enrichment by owners, operators, managers, real estate
13 developers, and other affiliated parties of charter schools.
14 Therefore, a charter school is not eligible for a funding
15 allocation unless the chair of the governing board and the chief
16 administrative officer of the charter school annually certify
17 under oath that the funds will be used solely and exclusively
18 for constructing, renovating, or improving charter school
19 facilities that are:

20 1. Owned by a school district, a political subdivision of
21 the state, a municipality, a Florida College System institution,
22 or a state university;

23 2. Owned by an organization that is qualified as an exempt
24 organization under s. 501(c)(3) of the Internal Revenue Code
25 whose articles of incorporation specify that, upon the
26 organization's dissolution, the subject property will be
27 transferred to a school district, a political subdivision of the
28 state, a municipality, a Florida College System institution, or
29 a state university; or

30 3. Owned by and leased, at a fair market value in the
31 school district in which the charter school is located, from a
32 person or entity that is not an affiliated party of the charter
33 school. For the purposes of this subparagraph, the term
34 "affiliated party of the charter school" means the applicant for
35 the charter school pursuant to s. 1002.33; the governing board
36 of the charter school or a member of the governing board; the
37 charter school owner; the charter school principal; an employee
38 of the charter school; an independent contractor of the charter
39 school or the governing board of the charter school; a relative,



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40 as defined in s. 1002.33(24)(a)2., of a charter school governing
41 board member, a charter school owner, a charter school
42 principal, a charter school employee, or an independent
43 contractor of a charter school or charter school governing
44 board; a subsidiary corporation, a service corporation, an
45 affiliated corporation, a parent corporation, a limited
46 liability company, a limited partnership, a trust, a
47 partnership, or a related party that, individually or through
48 one or more entities, shares common ownership or control and
49 directly or indirectly manages, administers, controls, or
50 oversees the operation of the charter school; or any person or
51 entity, individually or through one or more entities that share
52 common ownership, which directly or indirectly manages,
53 administers, controls, or oversees the operation of any of the
54 foregoing.

55
56 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

57 And the directory clause is amended as follows:

58 Delete lines 867 - 868

59 and insert:

60 Section 10. Subsection (3) of section 1013.62, Florida
61 Statutes, is amended, and paragraph (c) is added to subsection
62 (1) of that section, to read:

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line 988

67 and insert:

68 F.S.; providing legislative intent; prohibiting a



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69 charter school from being eligible for capital outlay
70 funds unless the chair of the governing board and the
71 chief administrative officer of the charter school
72 annually certify certain information; defining the
73 term "affiliated party of the charter school";
74 revising the Department of Education's