

1                                   A bill to be entitled  
 2           An act relating to education funding; amending s.  
 3           212.055, F.S.; conforming provisions to changes made  
 4           by the act; amending s. 1013.62, F.S.; deleting  
 5           obsolete language; making technical changes; revising  
 6           the calculation methodology for the distribution of  
 7           specified revenue to eligible charter schools;  
 8           providing school district requirements for the  
 9           distribution of capital outlay funds to charter  
 10          schools; providing an appropriation; providing an  
 11          effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14

15           Section 1. Paragraph (b) of subsection (6) of section  
 16          212.055, Florida Statutes, is amended to read:

17           212.055 Discretionary sales surtaxes; legislative intent;  
 18          authorization and use of proceeds.—It is the legislative intent  
 19          that any authorization for imposition of a discretionary sales  
 20          surtax shall be published in the Florida Statutes as a  
 21          subsection of this section, irrespective of the duration of the  
 22          levy. Each enactment shall specify the types of counties  
 23          authorized to levy; the rate or rates which may be imposed; the  
 24          maximum length of time the surtax may be imposed, if any; the  
 25          procedure which must be followed to secure voter approval, if

26 required; the purpose for which the proceeds may be expended;  
 27 and such other requirements as the Legislature may provide.  
 28 Taxable transactions and administrative procedures shall be as  
 29 provided in s. 212.054.

30 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

31 (b) The resolution must include a statement that provides  
 32 a brief and general description of the school capital outlay  
 33 projects to be funded by the surtax. The resolution must include  
 34 a statement that the revenues collected must be shared with  
 35 eligible charter schools based on their proportionate share of  
 36 the total school district capital outlay full-time equivalent  
 37 enrollment as adopted by the education estimating conference  
 38 established in s. 216.136 enrollment. The statement must conform  
 39 to the requirements of s. 101.161 and shall be placed on the  
 40 ballot by the governing body of the county. The following  
 41 question shall be placed on the ballot:

42 . . . .FOR THE . . . .CENTS TAX

43 . . . .AGAINST THE . . . .CENTS TAX

44  
 45 Section 2. Subsections (1), (2), and (3) of section  
 46 1013.62, Florida Statutes, are amended to read:

47 1013.62 Charter schools capital outlay funding.—

48 (1) ~~For the 2022-2023 fiscal year, charter school capital~~

49 ~~outlay funding shall consist of state funds appropriated in the~~  
 50 ~~2022-2023 General Appropriations Act. Beginning in fiscal year~~  
 51 ~~2023-2024,~~ Charter school capital outlay funding shall consist  
 52 of state funds when such funds are appropriated in the General  
 53 Appropriations Act and revenue resulting from the discretionary  
 54 millage authorized in s. 1011.71(2) ~~if the amount of state funds~~  
 55 ~~appropriated for charter school capital outlay in any fiscal~~  
 56 ~~year is less than the average charter school capital outlay~~  
 57 ~~funds per unweighted full-time equivalent student for the 2018-~~  
 58 ~~2019 fiscal year,~~ multiplied by the estimated number of charter  
 59 school students for the applicable fiscal year, and adjusted by  
 60 changes in the Consumer Price Index issued by the United States  
 61 Department of Labor from the previous fiscal year. Nothing in  
 62 this subsection prohibits a school district from distributing to  
 63 charter schools funds resulting from the discretionary millage  
 64 authorized in s. 1011.71(2).

- 65 (a) To be eligible to receive capital outlay funds, a  
 66 charter school must:
- 67 1.a. Have been in operation for 2 or more years;
  - 68 b. Be governed by a governing board established in the  
 69 state for 2 or more years which operates both charter schools  
 70 and conversion charter schools within the state;
  - 71 c. Be an expanded feeder chain of a charter school within  
 72 the same school district that is currently receiving charter  
 73 school capital outlay funds;

74           d. Have been accredited by a regional accrediting  
 75 association as defined by State Board of Education rule;  
 76           e. Serve students in facilities that are provided by a  
 77 business partner for a charter school-in-the-workplace pursuant  
 78 to s. 1002.33(15) (b); or  
 79           f. Be operated by a hope operator pursuant to s. 1002.333.  
 80           2. Have an annual audit that does not reveal any of the  
 81 financial emergency conditions provided in s. 218.503(1) for the  
 82 most recent fiscal year for which such audit results are  
 83 available.  
 84           3. Have satisfactory student achievement based on state  
 85 accountability standards applicable to the charter school.  
 86           4. Have received final approval from its sponsor pursuant  
 87 to s. 1002.33 for operation during that fiscal year.  
 88           5. Serve students in facilities that are not provided by  
 89 the charter school's sponsor.  
 90           (b) A charter school is not eligible to receive capital  
 91 outlay funds if it was created by the conversion of a public  
 92 school and operates in facilities provided by the charter  
 93 school's sponsor for a nominal fee, or at no charge, or if it is  
 94 directly or indirectly operated by the school district.  
 95           (2) The department shall use the following calculation  
 96 methodology to allocate state funds appropriated in the General  
 97 Appropriations Act to eligible charter schools:  
 98           ~~(a) Eligible charter schools shall be grouped into~~

99 ~~categories based on their student populations according to the~~  
100 ~~following criteria:~~

101 ~~1. Seventy-five percent or greater who are eligible for~~  
102 ~~free or reduced-price school meals under the National School~~  
103 ~~Lunch Program or, for schools operating programs under the~~  
104 ~~Community Eligibility Provision of the Healthy, Hunger-Free Kids~~  
105 ~~Act of 2010, an equivalent percentage of the student population~~  
106 ~~eligible for free and reduced-price meals as determined by~~  
107 ~~applying the multiplier authorized under the National School~~  
108 ~~Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of~~  
109 ~~students reported for direct certification.~~

110 ~~2. Twenty-five percent or greater with disabilities as~~  
111 ~~defined in state board rule and consistent with the requirements~~  
112 ~~of the Individuals with Disabilities Education Act.~~

113 ~~(b) If an eligible charter school does not meet the~~  
114 ~~criteria for either category under paragraph (a), its FTE shall~~  
115 ~~be provided as the base amount of funding and shall be assigned~~  
116 ~~a weight of 1.0. An eligible charter school that meets the~~  
117 ~~criteria under subparagraph (a)1. or subparagraph (a)2. shall be~~  
118 ~~provided an additional 25 percent above the base funding amount,~~  
119 ~~and the total FTE shall be multiplied by a weight of 1.25. An~~  
120 ~~eligible charter school that meets the criteria under both~~  
121 ~~subparagraphs (a)1. and (a)2. shall be provided an additional 50~~  
122 ~~percent above the base funding amount, and the FTE for that~~  
123 ~~school shall be multiplied by a weight of 1.5.~~

124        (a)-(e) Divide the state appropriation for charter school  
 125 capital outlay ~~shall be divided~~ by the total ~~weighted~~ FTE for  
 126 all eligible charter schools to determine the base charter  
 127 school per ~~weighted~~ FTE allocation amount. The base charter  
 128 school per ~~weighted~~ FTE allocation amount shall be multiplied by  
 129 the ~~weighted~~ FTE of each charter school to determine each  
 130 charter school's capital outlay allocation.

131        (b)-(d) ~~The department shall calculate the eligible charter~~  
 132 ~~school funding allocations.~~ Funds shall be allocated using full-  
 133 time equivalent membership from the second and third enrollment  
 134 surveys ~~and free and reduced-price school lunch data.~~ The  
 135 department shall recalculate the allocations periodically based  
 136 on the receipt of revised information, on a schedule established  
 137 by the Commissioner of Education.

138        (c)-(e) The department shall distribute capital outlay  
 139 funds monthly, beginning in the first quarter of the fiscal  
 140 year, based on one-twelfth of the amount the department  
 141 reasonably expects the charter school to receive during that  
 142 fiscal year. The commissioner shall adjust subsequent  
 143 distributions as necessary to reflect each charter school's  
 144 recalculated allocation.

145        (3) If the school board levies the discretionary millage  
 146 authorized in s. 1011.71(2), ~~and the state funds appropriated~~  
 147 ~~for charter school capital outlay in any fiscal year are less~~  
 148 ~~than the average charter school capital outlay funds per~~

149 ~~unweighted full-time equivalent student for the 2018-2019 fiscal~~  
150 ~~year, multiplied by the estimated number of charter school~~  
151 ~~students for the applicable fiscal year, and adjusted by changes~~  
152 ~~in the Consumer Price Index issued by the United States~~  
153 ~~Department of Labor from the previous fiscal year, the~~  
154 department shall use the following calculation methodology to  
155 determine the amount of revenue that a school district must  
156 distribute to each eligible charter school:

157 (a) Reduce the total discretionary millage revenue by the  
158 school district's annual debt service obligation incurred as of  
159 March 1, 2017, which has not been subsequently retired, and any  
160 amount of participation requirement pursuant to s.  
161 1013.64(2)(a)8. that is being satisfied by revenues raised by  
162 the discretionary millage.

163 (b) Divide the school district's adjusted discretionary  
164 millage revenue by the district's total capital outlay full-time  
165 equivalent membership and the total number of ~~unweighted~~ full-  
166 time equivalent students of each eligible charter school to  
167 determine a capital outlay allocation per full-time equivalent  
168 student.

169 (c) Multiply the capital outlay allocation per full-time  
170 equivalent student by the total number of full-time equivalent  
171 students of each eligible charter school to determine the  
172 capital outlay allocation for each charter school.

173 (d) If applicable, reduce the capital outlay allocation

174 identified in paragraph (c) by the total amount of state funds  
175 allocated to each eligible charter school in subsection (2) to  
176 determine the maximum calculated capital outlay allocation.

177 (e) School districts shall distribute capital outlay funds  
178 to eligible charter schools no later than February 1 of each  
179 year, as required by this subsection, based on the amount of  
180 funds received by the district school board. School districts  
181 shall distribute any remaining capital outlay funds, as required  
182 by this subsection, upon the receipt of such funds until the  
183 total amount calculated pursuant to this subsection is  
184 distributed.

185

186 By October 1 of each year, each school district shall certify to  
187 the department the amount of debt service and participation  
188 requirement that complies with the requirement of paragraph (a)  
189 and can be reduced from the total discretionary millage revenue.  
190 The Auditor General shall verify compliance with the  
191 requirements of paragraph (a) and s. 1011.71(2) (e) during  
192 scheduled operational audits of school districts.

193 Section 3. For the 2023-2024 fiscal year, the sum of  
194 \$213,453,885 in nonrecurring funds is appropriated from the  
195 Public Education Capital Outlay and Debt Service Trust Fund to  
196 the Department of Education for charter school capital outlay  
197 funding.

198 Section 4. This act shall take effect July 1, 2023.