

By Senator Simmons

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1 A bill to be entitled
2 An act relating to charter school funding; amending s.
3 1011.71, F.S.; authorizing school boards to levy
4 specified amounts for charter schools; amending s.
5 1013.62, F.S.; providing that charter school capital
6 outlay funding consists of shared local capital outlay
7 and state funding as provided in the General
8 Appropriations Act; providing that a virtual charter
9 school is not eligible for a funding allocation;
10 providing legislative intent; prohibiting a charter
11 school from being eligible for a funding allocation
12 under certain circumstances; defining the term
13 "affiliated party of the charter school"; specifying
14 the grouping of eligible charter schools for funding
15 allocations; providing the shared local capital outlay
16 allocation calculation and the state allocation
17 calculation; requiring the Department of Education to
18 make the calculations; requiring each school district
19 to distribute the shared local capital outlay funds
20 within a specified timeframe; specifying where capital
21 outlay funds may be used; providing an effective date.
22

23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Subsection (2) of section 1011.71, Florida
26 Statutes, is amended to read:

27 1011.71 District school tax.—

28 (2) In addition to the maximum millage levy as provided in
29 subsection (1), each school board may levy not more than 1.5
30 mills against the taxable value for school purposes for district
31 schools, as specified in this section, and ~~including~~ charter
32 schools, as specified in s. 1013.62 ~~at the discretion of the~~

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33 ~~school board~~, to fund:

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

40 (b) Maintenance, renovation, and repair of existing school
41 plants or of leased facilities to correct deficiencies pursuant
42 to s. 1013.15(2).

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

44 (d) The purchase, lease-purchase, or lease of new and
45 replacement equipment; computer hardware, including electronic
46 hardware and other hardware devices necessary for gaining access
47 to or enhancing the use of electronic content and resources or
48 to facilitate the access to and the use of a school district's
49 digital classrooms plan pursuant to s. 1011.62, excluding
50 software other than the operating system necessary to operate
51 the hardware or device; and enterprise resource software
52 applications that are classified as capital assets in accordance
53 with definitions of the Governmental Accounting Standards Board,
54 have a useful life of at least 5 years, and are used to support
55 districtwide administration or state-mandated reporting
56 requirements.

57 (e) Payments for educational facilities and sites due under
58 a lease-purchase agreement entered into by a district school
59 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
60 exceeding, in the aggregate, an amount equal to three-fourths of
61 the proceeds from the millage levied by a district school board

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62 pursuant to this subsection. The three-fourths limit is waived
63 for lease-purchase agreements entered into before June 30, 2009,
64 by a district school board pursuant to this paragraph.

65 (f) Payment of loans approved pursuant to ss. 1011.14 and
66 1011.15.

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

70 (h) Payment of costs of leasing relocatable educational
71 facilities, of renting or leasing educational facilities and
72 sites pursuant to s. 1013.15(2), or of renting or leasing
73 buildings or space within existing buildings pursuant to s.
74 1013.15(4).

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

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

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

86 3. Annual payment for each such school bus may not exceed
87 10 percent of the purchase price of the state pool bid.

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

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91 200.065(10).

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

94 Section 2. Subsections (1), (2), and (3) of section
95 1013.62, Florida Statutes, are amended to read:

96 1013.62 Charter schools capital outlay funding.—

97 (1) Charter school capital outlay funding shall consist of
98 shared local capital outlay funding derived from the
99 discretionary millage revenue authorized under s. 1011.71(2) and
100 may also consist of state funds provided in the General
101 Appropriations Act. ~~In each year in which funds are appropriated~~
102 ~~for charter school capital outlay purposes,~~ The Commissioner of
103 Education shall allocate these ~~the~~ funds among eligible charter
104 schools as specified in this section.

105 (a) To be eligible for shared local capital outlay
106 allocation as specified in paragraph (e) or state a funding
107 ~~allocation,~~ a charter school must:

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

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

112 c. Be an expanded feeder chain of a charter school within
113 the same school district that is currently receiving charter
114 school capital outlay funds;

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

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

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120 2. Have an annual audit that does not reveal any of the
121 financial emergency conditions provided in s. 218.503(1) for the
122 most recent fiscal year for which such audit results are
123 available.

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

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

128 5. Serve students in facilities that are not provided by
129 the charter school's sponsor.

130 (b) A charter school is not eligible for a funding
131 allocation if it was created by the conversion of a public
132 school and operates in facilities provided by the charter
133 school's sponsor for a nominal fee, or at no charge;~~;~~or if it
134 is directly or indirectly operated by the school district; or if
135 it is a virtual charter school.

136 (c) It is the intent of the Legislature that the public
137 interest be protected by prohibiting personal financial
138 enrichment by owners, operators, managers, and other affiliated
139 parties of charter schools. Therefore, a charter school is not
140 eligible for a funding allocation unless the chair of the
141 governing board and the chief administrative officer of the
142 charter school annually certify under oath that the funds will
143 be used solely and exclusively for constructing, renovating, or
144 improving charter school facilities that are:

145 1. Owned by a school district, political subdivision of the
146 state, municipality, Florida College System institution, or
147 state university;

148 2. Owned by an organization, qualified as an exempt

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149 organization under s. 501(c)(3) of the Internal Revenue Code,
150 whose articles of incorporation specify that upon the
151 organization's dissolution, the subject property will be
152 transferred to a school district, political subdivision of the
153 state, municipality, Florida College System institution, or
154 state university; or

155 3. Owned by and leased, at a fair market value in the
156 school district in which the charter school is located, from a
157 person or entity that is not an affiliated party of the charter
158 school. For the purposes of this subparagraph, the term
159 "affiliated party of the charter school" means the applicant for
160 the charter school pursuant to s. 1002.33; the governing board
161 of the charter school or a member of the governing board; the
162 charter school owner; the charter school principal; an employee
163 of the charter school; an independent contractor of the charter
164 school or the governing board of the charter school; a relative,
165 as defined in s. 1002.33(24)(a)2., of a charter school governing
166 board member, a charter school owner, a charter school
167 principal, a charter school employee, or an independent
168 contractor of a charter school or charter school governing
169 board; a subsidiary corporation, a service corporation, an
170 affiliated corporation, a parent corporation, a limited
171 liability company, a limited partnership, a trust, a
172 partnership, or a related party that, individually or through
173 one or more entities, shares common ownership or control and
174 directly or indirectly manages, administers, controls, or
175 oversees the operation of the charter school; or any person or
176 entity, individually or through one or more entities that share
177 common ownership, which directly or indirectly manages,

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178 administers, controls, or oversees the operation of any of the
179 foregoing.

180 (d)(e) In determining the funding allocation for eligible
181 charter schools, the department shall group them into one of the
182 following ~~be calculated as follows:~~

183 1. Eligible charter schools shall be grouped into
184 categories based on their student populations according to the
185 following criteria:

186 1.a. Seventy-five percent or greater who are eligible for
187 free or reduced-price school lunch or an equivalent percentage
188 who are eligible under the Community Eligibility Provision of
189 the Healthy, Hunger-Free Kids Act of 2010 when the multiplier
190 authorized under the National School Lunch Act, 42 U.S.C. s.
191 1759a(a)(1)(F)(vii), is applied to the number of students
192 reported for direct certification.

193 2.b. Twenty-five percent or greater with disabilities as
194 defined in state board rule and consistent with the requirements
195 of the Individuals with Disabilities Education Act.

196 (e) The department shall calculate the shared local capital
197 outlay allocation by dividing the revenue generated from the
198 local discretionary millage authorized under s. 1011.71(2) and
199 levied by the school board by the sum of the district fixed
200 capital outlay FTE and the FTE for eligible charter schools.
201 This calculated capital outlay allocation per FTE must then be
202 multiplied by the eligible charter school's FTE to provide a
203 maximum calculated capital outlay allocation.

204 1.2. If an eligible charter school does not meet the
205 criteria for either category specified in paragraph (d) under
206 subparagraph 1., the school shall receive a base allocation of

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207 50 percent of the maximum calculated capital outlay allocation.

208 2. An eligible charter school that meets one of the
209 criteria specified in paragraph (d) shall be provided 75 percent
210 of the maximum calculated capital outlay allocation. An eligible
211 charter school that meets the criteria under both of the
212 criteria specified in paragraph (d) shall be provided the
213 maximum calculated capital outlay allocation.

214 (f) If an appropriation is provided by the Legislature, the
215 department shall calculate the state allocation as follows:

216 1. If an eligible charter school does not meet either of
217 the criteria under paragraph (d), the charter school's ~~its~~ FTE
218 shall be ~~provided as~~ the base funding amount ~~of funding~~ and
219 shall be assigned a weight of 1.0. An eligible charter school
220 that meets either of the criteria under paragraph (d) sub-
221 ~~subparagraph 1.a. or sub-subparagraph 1.b.~~ shall be provided an
222 additional 25 percent above the base funding amount, and the
223 total FTE shall be multiplied by a weight of 1.25. An eligible
224 charter school that meets both of the criteria under paragraph
225 ~~(d) both sub-subparagraphs 1.a. and b.~~ shall be provided an
226 additional 50 percent above the base funding amount, and the FTE
227 for that school shall be multiplied by a weight of 1.5.

228 ~~2.3.~~ The state appropriation for charter school capital
229 outlay shall be divided by the total weighted FTE for all
230 eligible charter schools to determine the base charter school
231 per weighted FTE allocation amount. The per weighted FTE
232 allocation amount shall be multiplied by the weighted FTE to
233 determine each charter school's capital outlay allocation.

234 (2) (a) The department shall calculate the eligible charter
235 school funding allocations. Funds shall be allocated using full-

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236 time equivalent membership from the second and third enrollment
237 surveys, ~~and~~ free and reduced-price school lunch data, ad
238 valorem revenue, and the state appropriation. The department
239 shall recalculate the allocations periodically based on the
240 receipt of revised information, on a schedule established by the
241 Commissioner of Education.

242 (b) The department shall distribute appropriated capital
243 outlay funds monthly, beginning in the first quarter of the
244 fiscal year, based on one-twelfth of the amount the department
245 reasonably expects the charter school to receive during that
246 fiscal year. The commissioner shall adjust subsequent
247 distributions as necessary to reflect each charter school's
248 recalculated allocation.

249 (c) Each school district shall distribute one-twelfth of
250 the calculated shared local capital outlay funds to eligible
251 charter schools on a monthly basis, beginning in the first
252 quarter of the fiscal year. If local funds are not yet
253 available, the school district must provide an equivalent amount
254 from another funding source. If the school district is unable to
255 provide the calculated local funds from its millage authorized
256 pursuant to s. 1011.71(2), the school district must provide an
257 equivalent amount to the eligible charter schools from another
258 school district funding source. Each school district shall
259 adjust payments to charter schools to reflect updated
260 calculations of the shared local charter school allocations, as
261 determined by the department.

262 (3) A charter school's governing body may only use charter
263 school capital outlay funds at the charter school that generated
264 the capital outlay funding for the following purposes:

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- 265 (a) Purchase of real property.
- 266 (b) Construction of school facilities.
- 267 (c) Purchase, lease-purchase, or lease of permanent or
268 relocatable school facilities.
- 269 (d) Purchase of vehicles to transport students to and from
270 the charter school.
- 271 (e) Renovation, repair, and maintenance of school
272 facilities that the charter school owns or is purchasing through
273 a lease-purchase or long-term lease of 5 years or longer.
- 274 (f) Effective July 1, 2008, purchase, lease-purchase, or
275 lease of new and replacement equipment, and enterprise resource
276 software applications that are classified as capital assets in
277 accordance with definitions of the Governmental Accounting
278 Standards Board, have a useful life of at least 5 years, and are
279 used to support schoolwide administration or state-mandated
280 reporting requirements.
- 281 (g) Payment of the cost of premiums for property and
282 casualty insurance necessary to insure the school facilities.
- 283 (h) Purchase, lease-purchase, or lease of driver's
284 education vehicles; motor vehicles used for the maintenance or
285 operation of plants and equipment; security vehicles; or
286 vehicles used in storing or distributing materials and
287 equipment.
- 288
- 289 Conversion charter schools may use capital outlay funds received
290 through the reduction in the administrative fee provided in s.
291 1002.33(20) for renovation, repair, and maintenance of school
292 facilities that are owned by the sponsor.
- 293 Section 3. This act shall take effect July 1, 2017.