

2017376e1

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

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

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

28 1011.71 District school tax.—

29 (2) In addition to the maximum millage levy as provided in

2017376e1

30 subsection (1), each school board may levy not more than 1.5
31 mills against the taxable value for school purposes for district
32 schools, as specified in this section, and ~~including~~ charter
33 schools, as specified in s. 1013.62, at the discretion of the
34 school board, to fund:

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

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

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

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

58 (e) Payments for educational facilities and sites due under

2017376e1

59 a lease-purchase agreement entered into by a district school
60 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
61 exceeding, in the aggregate, an amount equal to three-fourths of
62 the proceeds from the millage levied by a district school board
63 pursuant to this subsection. The three-fourths limit is waived
64 for lease-purchase agreements entered into before June 30, 2009,
65 by a district school board pursuant to this paragraph.

66 (f) Payment of loans approved pursuant to ss. 1011.14 and
67 1011.15.

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

71 (h) Payment of costs of leasing relocatable educational
72 facilities, of renting or leasing educational facilities and
73 sites pursuant to s. 1013.15(2), or of renting or leasing
74 buildings or space within existing buildings pursuant to s.
75 1013.15(4).

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

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

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

87 3. Annual payment for each such school bus may not exceed

2017376e1

88 10 percent of the purchase price of the state pool bid.

89 4. The proposed expenditure of the funds for this purpose
90 must have been included in the district school board's notice of
91 proposed tax for school capital outlay as provided in s.
92 200.065(10).

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

95 Section 2. Subsections (1), (2), and (3) of section
96 1013.62, Florida Statutes, are amended to read:

97 1013.62 Charter schools capital outlay funding.—

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

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

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

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

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

116 d. Have been accredited by the Commission on Schools of the

2017376e1

117 Southern Association of Colleges and Schools; or

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

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

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

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

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

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

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

2017376e1

146 facilities that are:

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

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

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

160 1. ~~Eligible charter schools shall be grouped into~~
161 categories based on their student populations ~~according to the~~
162 following ~~criteria:~~

163 1.a. ~~Seventy-five percent or greater who are eligible for~~
164 free or reduced-price school lunch ~~or an equivalent percentage~~
165 who are eligible under the Community Eligibility Provision of
166 the Healthy, Hunger-Free Kids Act of 2010 when the multiplier
167 authorized under the National School Lunch Act, 42 U.S.C. s.
168 1759a(a)(1)(F)(vii), is applied to the number of students
169 reported for direct certification.

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

173 (e) The department shall calculate the shared local capital
174 outlay allocation by dividing the revenue generated from the

2017376e1

175 local discretionary millage authorized under s. 1011.71(2) and
 176 levied by the school board by the sum of the district fixed
 177 capital outlay FTE and the FTE for eligible charter schools.
 178 This calculated capital outlay allocation per FTE must then be
 179 multiplied by the eligible charter school's FTE to provide a
 180 maximum calculated capital outlay allocation.

181 1.2. If an eligible charter school does not meet the
 182 criteria for either category specified in paragraph (d) under
 183 subparagraph 1., the school shall receive a base allocation of
 184 50 percent of the maximum calculated capital outlay allocation.

185 2. An eligible charter school that meets one of the
 186 criteria specified in paragraph (d) shall be provided 75 percent
 187 of the maximum calculated capital outlay allocation. An eligible
 188 charter school that meets the criteria under both of the
 189 criteria specified in paragraph (d) shall be provided the
 190 maximum calculated capital outlay allocation.

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

193 1. If an eligible charter school does not meet either of
 194 the criteria under paragraph (d), the charter school's ~~its~~ FTE
 195 shall be ~~provided as~~ the base funding amount ~~of funding~~ and
 196 shall be assigned a weight of 1.0. An eligible charter school
 197 that meets either of the criteria under paragraph (d) sub-
 198 ~~subparagraph 1.a. or sub-subparagraph 1.b.~~ shall be provided an
 199 additional 25 percent above the base funding amount, and the
 200 total FTE shall be multiplied by a weight of 1.25. An eligible
 201 charter school that meets both of the criteria under paragraph
 202 ~~(d) both sub-subparagraphs 1.a. and b.~~ shall be provided an
 203 additional 50 percent above the base funding amount, and the FTE

2017376e1

204 for that school shall be multiplied by a weight of 1.5.

205 ~~2.3-~~ The state appropriation for charter school capital
206 outlay shall be divided by the total weighted FTE for all
207 eligible charter schools to determine the base charter school
208 per weighted FTE allocation amount. The per weighted FTE
209 allocation amount shall be multiplied by the weighted FTE to
210 determine each charter school's capital outlay allocation.

211 (2) (a) The department shall calculate the eligible charter
212 school funding allocations. Funds shall be allocated using full-
213 time equivalent membership from the second and third enrollment
214 surveys, ~~and~~ free and reduced-price school lunch data, ad
215 valorem revenue, and the state appropriation. The department
216 shall recalculate the allocations periodically based on the
217 receipt of revised information, on a schedule established by the
218 Commissioner of Education.

219 (b) The department shall distribute appropriated capital
220 outlay funds monthly, beginning in the first quarter of the
221 fiscal year, based on one-twelfth of the amount the department
222 reasonably expects the charter school to receive during that
223 fiscal year. The commissioner shall adjust subsequent
224 distributions as necessary to reflect each charter school's
225 recalculated allocation.

226 (c) Each school district shall distribute one-twelfth of
227 the calculated shared local capital outlay funds to eligible
228 charter schools on a monthly basis, beginning in the first
229 quarter of the fiscal year. If local funds are not yet
230 available, the school district must provide an equivalent amount
231 from another funding source. If the school district is unable to
232 provide the calculated local funds from its millage authorized

2017376e1

233 pursuant to s. 1011.71(2), the school district must provide an
234 equivalent amount to the eligible charter schools from another
235 school district funding source. Each school district shall
236 adjust payments to charter schools to reflect updated
237 calculations of the shared local charter school allocations, as
238 determined by the department.

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

242 (a) Purchase of real property.

243 (b) Construction of school facilities.

244 (c) Purchase, lease-purchase, or lease of permanent or
245 relocatable school facilities.

246 (d) Purchase of vehicles to transport students to and from
247 the charter school.

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

251 (f) Effective July 1, 2008, purchase, lease-purchase, or
252 lease of new and replacement equipment, and enterprise resource
253 software applications that are classified as capital assets in
254 accordance with definitions of the Governmental Accounting
255 Standards Board, have a useful life of at least 5 years, and are
256 used to support schoolwide administration or state-mandated
257 reporting requirements.

258 (g) Payment of the cost of premiums for property and
259 casualty insurance necessary to insure the school facilities.

260 (h) Purchase, lease-purchase, or lease of driver's
261 education vehicles; motor vehicles used for the maintenance or

2017376e1

262 operation of plants and equipment; security vehicles; or
263 vehicles used in storing or distributing materials and
264 equipment.

265

266 Conversion charter schools may use capital outlay funds received
267 through the reduction in the administrative fee provided in s.
268 1002.33(20) for renovation, repair, and maintenance of school
269 facilities that are owned by the sponsor.

270 Section 3. This act shall take effect July 1, 2017.