

1 A bill to be entitled
 2 An act relating to charter schools capital outlay
 3 funding; repealing s. 1013.62, F.S., relating to
 4 charter schools capital outlay funding; amending ss.
 5 1002.32, 1002.33, 1002.333, 1002.34, 1011.71, and
 6 1013.64, F.S.; conforming cross-references; providing
 7 an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 1013.62, Florida Statutes, is repealed.

12 Section 2. Paragraph (h) of subsection (9) of section
 13 1002.32, Florida Statutes, is amended to read:

14 1002.32 Developmental research (laboratory) schools.—

15 (9) FUNDING.—Funding for a lab school, including a charter
 16 lab school, shall be provided as follows:

17 ~~(h) A lab school to which a charter has been issued under~~
 18 ~~s. 1002.33(5)(a)2. is eligible to receive funding for charter~~
 19 ~~school capital outlay if it meets the eligibility requirements~~
 20 ~~of s. 1013.62. If the lab school receives funds from charter~~
 21 ~~school capital outlay, the school shall receive capital outlay~~
 22 ~~funds otherwise provided in this subsection only to the extent~~
 23 ~~that funds allocated pursuant to s. 1013.62 are insufficient to~~
 24 ~~provide capital outlay funds to the lab school at one-fifteenth~~
 25 ~~of the cost per student station.~~

26 Section 3. Paragraph (e) of subsection (8), paragraph (b)
27 of subsection (17), and subsection (19) of section 1002.33,
28 Florida Statutes, is amended to read:

29 1002.33 Charter schools.—

30 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

31 (e) When a charter is not renewed or is terminated, the
32 school shall be dissolved under the provisions of law under
33 which the school was organized, and any unencumbered public
34 funds, except for capital outlay funds and federal charter
35 school program grant funds, from the charter school shall revert
36 to the sponsor. ~~Capital outlay funds provided pursuant to s.~~
37 ~~1013.62~~ and Federal charter school program grant funds that are
38 unencumbered shall revert to the department to be redistributed
39 among eligible charter schools. In the event a charter school is
40 dissolved or is otherwise terminated, all district school board
41 property and improvements, furnishings, and equipment purchased
42 with public funds shall automatically revert to full ownership
43 by the district school board, subject to complete satisfaction
44 of any lawful liens or encumbrances. Any unencumbered public
45 funds from the charter school, district school board property
46 and improvements, furnishings, and equipment purchased with
47 public funds, or financial or other records pertaining to the
48 charter school, in the possession of any person, entity, or
49 holding company, other than the charter school, shall be held in
50 trust upon the district school board's request, until any appeal

51 status is resolved.

52 (17) FUNDING.—Students enrolled in a charter school,
53 regardless of the sponsorship, shall be funded as if they are in
54 a basic program or a special program, the same as students
55 enrolled in other public schools in the school district. Funding
56 for a charter lab school shall be as provided in s. 1002.32.

57 (b) The basis for the agreement for funding students
58 enrolled in a charter school shall be the sum of the school
59 district's operating funds from the Florida Education Finance
60 Program as provided in s. 1011.62 and the General Appropriations
61 Act, including gross state and local funds, discretionary
62 lottery funds, and funds from the school district's current
63 operating discretionary millage levy; divided by total funded
64 weighted full-time equivalent students in the school district;
65 multiplied by the weighted full-time equivalent students for the
66 charter school. Charter schools whose students or programs meet
67 the eligibility criteria in law are entitled to their
68 proportionate share of categorical program funds included in the
69 total funds available in the Florida Education Finance Program
70 by the Legislature, including transportation, the research-based
71 reading allocation, and the Florida digital classrooms
72 allocation. Total funding for each charter school shall be
73 recalculated during the year to reflect the revised calculations
74 under the Florida Education Finance Program by the state and the
75 actual weighted full-time equivalent students reported by the

76 charter school during the full-time equivalent student survey
77 periods designated by the Commissioner of Education. For charter
78 schools operated by a not-for-profit or municipal entity, any
79 unrestricted current and capital assets identified in the
80 charter school's annual financial audit may be used for other
81 charter schools operated by the not-for-profit or municipal
82 entity within the school district. Unrestricted current assets
83 shall be used in accordance with s. 1011.62, ~~and any~~
84 ~~unrestricted capital assets shall be used in accordance with s.~~
85 ~~1013.62(2).~~

86 ~~(19) CAPITAL OUTLAY FUNDING. Charter schools are eligible~~
87 ~~for capital outlay funds pursuant to ss. 1011.71(2) and 1013.62.~~
88 ~~Capital outlay funds authorized in ss. 1011.71(2) and 1013.62~~
89 ~~which have been shared with a charter school in the workplace~~
90 ~~prior to July 1, 2010, are deemed to have met the authorized~~
91 ~~expenditure requirements for such funds.~~

92 Section 4. Subsection (8) and paragraph (c) of subsection
93 (9) of section 1002.333, Florida Statutes, are amended to read:

94 1002.333 Persistently low-performing schools.—

95 (8) NONCOMPLIANCE.—A school district that does not enter
96 into a performance-based agreement within 60 days after receipt
97 of a notice of intent shall reduce the administrative fees
98 withheld pursuant to s. 1002.33(19) ~~s. 1002.33(20)~~ to 1 percent
99 for all charter schools operating in the school district. Upon
100 execution of the performance-based agreement, the school

101 district may resume withholding the full amount of
102 administrative fees, but may not recover any fees that would
103 have otherwise accrued during the period of noncompliance. Any
104 charter school that had administrative fees withheld in
105 violation of this subsection may recover attorney fees and costs
106 to enforce the requirements of this subsection. A school
107 district subject to the requirements of this section shall file
108 a monthly report detailing the reduction in the amount of
109 administrative fees withheld.

110 (9) FUNDING.—

111 ~~(c) Schools of hope shall be considered charter schools~~
112 ~~for purposes of s. 1013.62, except charter capital outlay may~~
113 ~~not be used to purchase real property or for the construction of~~
114 ~~school facilities.~~

115 Section 5. Paragraph (c) of subsection (10) and subsection
116 (13) of section 1002.34, Florida Statutes, are amended to read:

117 1002.34 Charter technical career centers.—

118 (10) EXEMPTION FROM STATUTES.—

119 (c) A center must comply with the antidiscrimination
120 provisions in s. 1000.05 and the provisions in s. 1002.33(23) ~~s.~~
121 ~~1002.33(24)~~ which relate to the employment of relatives.

122 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
123 of a center may decide matters relating to the operation of the
124 school, including budgeting, curriculum, and operating
125 procedures, subject to the center's charter. The board of

126 | directors is responsible for performing the duties provided in
127 | s. 1002.345, including monitoring the corrective action plan.
128 | The board of directors must comply with s. 1002.33(25) ~~s.~~
129 | ~~1002.33(26)~~.

130 | Section 6. Subsection (2) of section 1011.71, Florida
131 | Statutes, is amended to read:

132 | 1011.71 District school tax.—

133 | (2) In addition to the maximum millage levy as provided in
134 | subsection (1), each school board may levy not more than 1.5
135 | mills against the taxable value for school purposes for ~~charter~~
136 | ~~schools pursuant to s. 1013.62(3) and for~~ district schools to
137 | fund:

138 | (a) New construction and remodeling projects, as set forth
139 | in s. 1013.64(3)(d) and (6)(b) and included in the district's
140 | educational plant survey pursuant to s. 1013.31, without regard
141 | to prioritization, sites and site improvement or expansion to
142 | new sites, existing sites, auxiliary facilities, athletic
143 | facilities, or ancillary facilities.

144 | (b) Maintenance, renovation, and repair of existing school
145 | plants or of leased facilities to correct deficiencies pursuant
146 | to s. 1013.15(2).

147 | (c) The purchase, lease-purchase, or lease of school
148 | buses.

149 | (d) The purchase, lease-purchase, or lease of new and
150 | replacement equipment; computer and device hardware and

151 operating system software necessary for gaining access to or
152 enhancing the use of electronic and digital instructional
153 content and resources; and enterprise resource software
154 applications that are classified as capital assets in accordance
155 with definitions of the Governmental Accounting Standards Board,
156 have a useful life of at least 5 years, and are used to support
157 districtwide administration or state-mandated reporting
158 requirements. Enterprise resource software may be acquired by
159 annual license fees, maintenance fees, or lease agreements.

160 (e) Payments for educational facilities and sites due
161 under a lease-purchase agreement entered into by a district
162 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
163 exceeding, in the aggregate, an amount equal to three-fourths of
164 the proceeds from the millage levied by a district school board
165 pursuant to this subsection. The three-fourths limit is waived
166 for lease-purchase agreements entered into before June 30, 2009,
167 by a district school board pursuant to this paragraph.

168 (f) Payment of loans approved pursuant to ss. 1011.14 and
169 1011.15.

170 (g) Payment of costs directly related to complying with
171 state and federal environmental statutes, rules, and regulations
172 governing school facilities.

173 (h) Payment of costs of leasing relocatable educational
174 facilities, of renting or leasing educational facilities and
175 sites pursuant to s. 1013.15(2), or of renting or leasing

176 buildings or space within existing buildings pursuant to s.
177 1013.15(4).

178 (i) Payment of the cost of school buses when a school
179 district contracts with a private entity to provide student
180 transportation services if the district meets the requirements
181 of this paragraph.

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

186 2. Each such school bus must be used for the daily
187 transportation of public school students in the manner required
188 by the school district.

189 3. Annual payment for each such school bus may not exceed
190 10 percent of the purchase price of the state pool bid.

191 4. The proposed expenditure of the funds for this purpose
192 must have been included in the district school board's notice of
193 proposed tax for school capital outlay as provided in s.
194 200.065(10).

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

197 (k) Payout of sick leave and annual leave accrued as of
198 June 30, 2017, by individuals who are no longer employed by a
199 school district that transfers to a charter school operator all
200 day-to-day classroom instruction responsibility for all full-

201 time equivalent students funded under s. 1011.62. This paragraph
202 expires July 1, 2018.

203 Section 7. Paragraph (c) of subsection (6) of section
204 1013.64, Florida Statutes, is amended to read:

205 1013.64 Funds for comprehensive educational plant needs;
206 construction cost maximums for school district capital
207 projects.—Allocations from the Public Education Capital Outlay
208 and Debt Service Trust Fund to the various boards for capital
209 outlay projects shall be determined as follows:

210 (6)

211 (c) Except as otherwise provided, new construction for
212 which a contract has been executed for architectural and design
213 services or for construction management services by a district
214 school board on or after July 1, 2017, may not exceed the cost
215 per student station as provided in paragraph (b). A school
216 district that exceeds the cost per student station provided in
217 paragraph (b), as determined by the Auditor General, shall be
218 subject to sanctions. If the Auditor General determines that the
219 cost per student station overage is de minimus or due to
220 extraordinary circumstances outside the control of the district,
221 the sanctions shall not apply. The sanctions are as follows:

222 1. The school district shall be ineligible for allocations
223 from the Public Education Capital Outlay and Debt Service Trust
224 Fund for the next 3 years in which the school district would
225 have received allocations had the violation not occurred.

226 2. The school district shall be subject to the supervision
227 of a district capital outlay oversight committee. The oversight
228 committee is authorized to approve all capital outlay
229 expenditures of the school district, including new construction,
230 renovations, and remodeling, for 3 fiscal years following the
231 violation.

232 a. Each oversight committee shall be composed of the
233 following:

234 (I) One appointee of the Commissioner of Education who has
235 significant financial management, school facilities
236 construction, or related experience.

237 (II) One appointee of the office of the state attorney
238 with jurisdiction over the district.

239 (III) One appointee of the Chief Financial Officer who is
240 a licensed certified public accountant.

241 b. An appointee to the oversight committee may not be
242 employed by the school district; be a relative, as defined in s.
243 1002.33(23)(a)2. ~~s. 1002.33(24)(a)2.~~, of any school district
244 employee; or be an elected official. Each appointee must sign an
245 affidavit attesting to these conditions and affirming that no
246 conflict of interest exists in his or her oversight role.

247 Section 8. This act shall take effect July 1, 2018.