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LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/11/2015	.	
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The Committee on Education Pre-K - 12 (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 405 and 406  
insert:

Section 3. Subsection (2) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district



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11 schools, including charter schools. The first 50 percent of the  
12 revenue from this millage shall be allocated to both charter  
13 schools and traditional public schools on a per capital outlay  
14 FTE basis by the school district. Each charter school eligible  
15 to receive capital outlay funding under s. 1013.62 shall receive  
16 its proportional share of the millage revenue. The school  
17 district shall retain discretion over the expenditure of these  
18 funds that are allocated to traditional public schools, as well  
19 as the remaining 50 percent of the millage revenue. These funds  
20 may be used for the following at the discretion of the school  
21 board, to fund:

22 (a) New construction and remodeling projects, as set forth  
23 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
24 educational plant survey pursuant to s. 1013.31, without regard  
25 to prioritization, sites and site improvement or expansion to  
26 new sites, existing sites, auxiliary facilities, athletic  
27 facilities, or ancillary facilities.

28 (b) Maintenance, renovation, and repair of existing school  
29 plants or of leased facilities to correct deficiencies pursuant  
30 to s. 1013.15(2).

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

32 (d) The purchase, lease-purchase, or lease of new and  
33 replacement equipment; computer hardware, including electronic  
34 hardware and other hardware devices necessary for gaining access  
35 to or enhancing the use of electronic content and resources or  
36 to facilitate the access to and the use of a school district's  
37 digital classrooms plan pursuant to s. 1011.62, excluding  
38 software other than the operating system necessary to operate  
39 the hardware or device; and enterprise resource software



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40 applications that are classified as capital assets in accordance  
41 with definitions of the Governmental Accounting Standards Board,  
42 have a useful life of at least 5 years, and are used to support  
43 districtwide administration or state-mandated reporting  
44 requirements. Enterprise resource software may be acquired by  
45 annual license fees, maintenance fees, or lease agreements.

46 (e) Payments for educational facilities and sites due under  
47 a lease-purchase agreement entered into by a district school  
48 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
49 exceeding, in the aggregate, an amount equal to three-fourths of  
50 the proceeds from the millage levied by a district school board  
51 pursuant to this subsection. The three-fourths limit is waived  
52 for lease-purchase agreements entered into before June 30, 2009,  
53 by a district school board pursuant to this paragraph.

54 (f) Payment of loans approved pursuant to ss. 1011.14 and  
55 1011.15.

56 (g) Payment of costs directly related to complying with  
57 state and federal environmental statutes, rules, and regulations  
58 governing school facilities.

59 (h) Payment of costs of leasing relocatable educational  
60 facilities, of renting or leasing educational facilities and  
61 sites pursuant to s. 1013.15(2), or of renting or leasing  
62 buildings or space within existing buildings pursuant to s.  
63 1013.15(4).

64 (i) Payment of the cost of school buses when a school  
65 district contracts with a private entity to provide student  
66 transportation services if the district meets the requirements  
67 of this paragraph.

68 1. The district's contract must require that the private



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69 entity purchase, lease-purchase, or lease, and operate and  
70 maintain, one or more school buses of a specific type and size  
71 that meet the requirements of s. 1006.25.

72 2. Each such school bus must be used for the daily  
73 transportation of public school students in the manner required  
74 by the school district.

75 3. Annual payment for each such school bus may not exceed  
76 10 percent of the purchase price of the state pool bid.

77 4. The proposed expenditure of the funds for this purpose  
78 must have been included in the district school board's notice of  
79 proposed tax for school capital outlay as provided in s.  
80 200.065(10).

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

83 Section 4. Subsections (1), (4), (5), and (6) of section  
84 1013.62, Florida Statutes, are amended to read:

85 1013.62 Charter schools capital outlay funding.-

86 (1) Charter schools may receive the discretionary millage  
87 revenue authorized under s. 1011.71, provided they meet the  
88 following eligibility criteria. ~~In each year in which funds are~~  
89 ~~appropriated for charter school capital outlay purposes, the~~  
90 ~~Commissioner of Education shall allocate the funds among~~  
91 ~~eligible charter schools.~~

92 ~~(a) To be eligible for a funding allocation,~~ A charter  
93 school must:

94 (a)1.a. Have been in operation for 3 or more years;

95 ~~b.~~ Be governed by a governing board established in the  
96 state for 3 or more years which operates both charter schools  
97 and conversion charter schools within the state;



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98            ~~2.e.~~ Be an expanded feeder chain of a charter school within  
99 the same school district that is currently receiving charter  
100 school capital outlay funds;

101            ~~3.d.~~ Have been accredited by the Commission on Schools of  
102 the Southern Association of Colleges and Schools; or

103            ~~4.e.~~ Serve students in facilities that are provided by a  
104 business partner for a charter school-in-the-workplace pursuant  
105 to s. 1002.33(15) (b).

106            ~~(b)2.~~ Have financial stability for future operation as a  
107 charter school.

108            ~~(c)3.~~ Have satisfactory student achievement based on state  
109 accountability standards applicable to the charter school.

110            ~~(d)4.~~ Have received final approval from its sponsor  
111 pursuant to s. 1002.33 for operation during that fiscal year.

112            ~~(e)5.~~ Serve students in facilities that are not provided by  
113 the charter school's sponsor.

114            ~~(b) The first priority for charter school capital outlay~~  
115 ~~funding is to allocate to charter schools that received funding~~  
116 ~~in the 2005-2006 fiscal year an allocation of the same amount~~  
117 ~~per capital outlay full-time equivalent student, up to the~~  
118 ~~lesser of the actual number of capital outlay full-time~~  
119 ~~equivalent students in the current year, or the capital outlay~~  
120 ~~full-time equivalent students in the 2005-2006 fiscal year.~~

121 ~~After calculating the first priority, the second priority is to~~  
122 ~~allocate excess funds remaining in the appropriation in an~~  
123 ~~amount equal to the per capital outlay full-time equivalent~~  
124 ~~student amount in the first priority calculation to eligible~~  
125 ~~charter schools not included in the first priority calculation~~  
126 ~~and to schools in the first priority calculation with growth~~



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127 ~~greater than the 2005-2006 capital outlay full-time equivalent~~  
128 ~~students. After calculating the first and second priorities,~~  
129 ~~excess funds remaining in the appropriation must be allocated to~~  
130 ~~all eligible charter schools.~~

131 ~~(c) A charter school's allocation may not exceed one-~~  
132 ~~fifteenth of the cost per student station specified in s.~~  
133 ~~1013.64(6) (b). Before releasing capital outlay funds to a school~~  
134 ~~district on behalf of the charter school, the Department of~~  
135 ~~Education must ensure that the district school board and the~~  
136 ~~charter school governing board enter into a written agreement~~  
137 ~~that provides for the reversion of any unencumbered funds and~~  
138 ~~all equipment and property purchased with public education funds~~  
139 ~~to the ownership of the district school board, as provided for~~  
140 ~~in subsection (3) if the school terminates operations. Any funds~~  
141 ~~recovered by the state shall be deposited in the General Revenue~~  
142 ~~Fund.~~

143 ~~(d) A charter school is not eligible for a funding~~  
144 ~~allocation if it was created by the conversion of a public~~  
145 ~~school and operates in facilities provided by the charter~~  
146 ~~school's sponsor for a nominal fee, or at no charge, or if it is~~  
147 ~~directly or indirectly operated by the school district.~~

148 ~~(e) Unless otherwise provided in the General Appropriations~~  
149 ~~Act, the funding allocation for each eligible charter school is~~  
150 ~~determined by multiplying the school's projected student~~  
151 ~~enrollment by one-fifteenth of the cost per student station~~  
152 ~~specified in s. 1013.64(6) (b) for an elementary, middle, or high~~  
153 ~~school, as appropriate. If the funds appropriated are not~~  
154 ~~sufficient, the commissioner shall prorate the available funds~~  
155 ~~among eligible charter schools. However, a charter school or~~



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156 ~~charter lab school may not receive state charter school capital~~  
157 ~~outlay funds greater than the one-fifteenth cost per student~~  
158 ~~station formula if the charter school's combination of state~~  
159 ~~charter school capital outlay funds, capital outlay funds~~  
160 ~~calculated through the reduction in the administrative fee~~  
161 ~~provided in s. 1002.33(20), and capital outlay funds allowed in~~  
162 ~~s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per~~  
163 ~~student station formula.~~

164 ~~(f) Funds shall be distributed on the basis of the capital~~  
165 ~~outlay full-time equivalent membership by grade level, which is~~  
166 ~~calculated by averaging the results of the second and third~~  
167 ~~enrollment surveys. The Department of Education shall distribute~~  
168 ~~capital outlay funds monthly, beginning in the first quarter of~~  
169 ~~the fiscal year, based on one-twelfth of the amount the~~  
170 ~~department reasonably expects the charter school to receive~~  
171 ~~during that fiscal year. The commissioner shall adjust~~  
172 ~~subsequent distributions as necessary to reflect each charter~~  
173 ~~school's actual student enrollment as reflected in the second~~  
174 ~~and third enrollment surveys. The commissioner shall establish~~  
175 ~~the intervals and procedures for determining the projected and~~  
176 ~~actual student enrollment of eligible charter schools.~~

177 ~~(4) The Commissioner of Education shall specify procedures~~  
178 ~~for submitting and approving requests for funding under this~~  
179 ~~section and procedures for documenting expenditures.~~

180 ~~(5) The annual legislative budget request of the Department~~  
181 ~~of Education shall include a request for capital outlay funding~~  
182 ~~for charter schools. The request shall be based on the projected~~  
183 ~~number of students to be served in charter schools who meet the~~  
184 ~~eligibility requirements of this section. A dedicated funding~~



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185 ~~source, if identified in writing by the Commissioner of~~  
186 ~~Education and submitted along with the annual charter school~~  
187 ~~legislative budget request, may be considered an additional~~  
188 ~~source of funding.~~

189 ~~(6) Unless authorized otherwise by the Legislature,~~  
190 ~~allocation and proration of charter school capital outlay funds~~  
191 ~~shall be made to eligible charter schools by the Commissioner of~~  
192 ~~Education in an amount and in a manner authorized by subsection~~  
193 ~~(1).~~

194

195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete line 20

198 and insert:

199 year; deleting obsolete language; amending s. 1011.71,  
200 F.S.; revising requirements for the allocation of the  
201 millage revenue for charter schools and traditional  
202 public schools; authorizing enterprise resource  
203 software to be acquired by certain fees and  
204 agreements; amending s. 1013.62, F.S.; revising the  
205 eligibility criteria for and the allocation of  
206 discretionary millage revenue for charter schools;  
207 deleting duties of the Commissioner of Education and  
208 the Department of Education relating to the  
209 allocation; requiring the Board