

# FLORIDA DEPARTMENT OF EDUCATION

## K-12 Public School Facilities Funding Task Force Meeting

1:00 to 4:00 p.m.

Turlington Building, Room 1706

Tallahassee, Florida

September 27, 2012

**K-12 Public School Facility Funding Task Force**  
**CHAPTER 2012-133, Laws of Florida**

<b>Chair of the Task Force</b>		
		<b>Statutory Requirement</b>
Linda Champion	Deputy Commissioner, Finance and Operations Florida Department of Education	The Deputy Commissioner of Finance and Operations of the Department of Education or his or her designee, who shall be the chair of the task force.
<b>Members Appointed by the President of the Senate</b>		
Joe Joyner	St. John's School District	Superintendent from a small to medium sized school district based on student population.
Charles Shaw	Palm Beach School District	Member of the district school board from a large sized school district based on student population.
John Hage	Charter Schools USA	Operator of a charter school that manages multiple charter schools.
Gene Waddell	Indian River Charter High School	Member of the governing board of a charter school that does not operate another charter school and is a member of the Florida Consortium of Public Charter Schools.
<b>Members Appointed by the Speaker of the House of Representatives</b>		
Robert Runcie	Broward School District	Superintendent from a large sized school district based on student population.
Caroline Zucker	Sarasota School District	Member of the district school board from a small to medium sized school district based on student population. Sarasota School District
Jon "Tom" Rogers	Discovery Schools, Inc., Ft. Lauderdale	A member of the governing board of a charter school that operates multiple charter schools and is a member of the Florida Consortium of Public Charter Schools.
Elizabeth Haney	North Bay Haven Charter Academy	Operator of a charter school that does not manage more than one charter school.
<b>Members Appointed by the Governor</b>		
Lori Gunn	Coldwell Banker Vanguard Realty	Parent of a student attending a charter school.
Jenni C. Parsons	Coral Springs Charter School Parent Teacher Student Organization	Parent of a student attending a school operated by a school district.

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# TAB A

**Meeting Agenda –  
September 27, 2012**

K-12 PUBLIC SCHOOL FACILITY FUNDING TASK FORCE

MEETING AGENDA

SEPTEMBER 27, 2012

I. Welcome, Member Roll Call and Introductory Remarks – Chair Champion

II. Member Comments

III. Action Items

July 26, 2012, Meeting Record

IV. Presentations

Gross Receipts Tax and Public Education Capital Outlay (PECO) – Amy Baker,  
Director, Office of Economic and Demographic Research

Florida Building Codes, Including State Requirements for Education Facilities  
(SREF) – John Hamrick, Department of Education, Office of Education Facilities

V. Workshop

Charter School Capital Outlay

VI. Closing Comments and Next Task Force Meeting Schedule

# TAB B

## **K-12 Public School Facility Funding Task Force – July 26, 2012, Meeting Record**

August 10, 2012

K-12 Public School Facility Funding Task Force  
July 26, 2012, Meeting Record

On July 26, 2012, the initial meeting of the K-12 Public School Education Facility Funding Task Force was held in Room 1706, Turlington Building, Tallahassee, Florida. The Task Force was authorized by Section 20, Chapter 2012-133, Laws of Florida (L.F.).

Chair of the Task Force, Linda Champion, called the meeting to order. In addition to the Chair, members Joe Joyner, Charles Shaw, Gene Waddell, Robert Runcie, and Caroline Zucker were present. John Hage and Jon “Tom” Rogers participated by telephone. Attachment A is the list of Task Force members listed by required representation in the law.

In her opening remarks, Chair Champion welcomed the Task Force members and thanked them for their willingness to serve. Members were given an opportunity to comment about their background and expectations for the work of the Task Force.

Chair Champion reviewed the charge to the Task Force as stated in Section 20, Chapter 2012-133, L.F. The Task Force was authorized to examine all relevant factors in order to make recommendations to the Legislature for more equitable funding for charter schools and schools operated by a school district.

Deputy General Counsel for the Department of Education, Judy Bone, provided the Task Force with two documents: 2012 Sunshine Law Overview and Public Records Overview, 2012. The documents and a related presentation were provided to inform the Task Force about the policy that must be followed involving Task Force business. Members were told to not send fellow Task Force members any information regarding the Task Force. If the members of the Task Force wish to consider any information, the information must be sent to the public records custodian, who will provide the information to the Chair for distribution to the members.

Chair Champion called upon John Newman, Chief of Staff, Department of Education, to review background materials provided to the Task Force members. Attachment B is the table of contents for the materials. The following site has the materials as presented: <http://www.fldoe.org/cefo/pdf/k12fundingmaterials.pdf>. During Mr. Newman’s presentation, Task Force members requested clarification or additional information. The requests were as follows:

1. Notify Task Force members of Link Jarrett’s e-mail address and designate him as the “custodian of public records” by way of a memorandum.

2. Charter school PECO funds were compared to the discretionary local improvement millage and were presented to the Task Force members, on page 17 of the meeting materials. This comparison currently included charter school and capital outlay full-time equivalent (FTE) students. Task Force members requested that Department of Education staff revisit the calculation by excluding charter school FTE students when calculating the per FTE student amount from Local Capital Improvement funds.
3. Compare expenditure policies of local capital improvement funds and charter school capital outlay funds. The statute for charter school capital outlay funds, presented on page 4, is Section 1013.62(2), Florida Statutes (F.S). The statute for the Local Capital Improvement funds (1.5 mill levy) is Section 1011.71(2), F.S.
4. Provide historical summary of capital improvement millage levy for all millage. The 2011-12 school district millage data was presented on page 18, including:
  - a. Historical data from the 1990s to 2011-12.
  - b. Tax rolls by year.
  - c. Certificates of Participation (COPS) obligations history (relatively recent). Total outstanding COPS as of June 30, 2011, were illustrated on page 24, column 8.
  - d. Recent history of potential revenue that would have been generated by the 2.0 Discretionary Capital Improvement Millage compared to what was actually generated.
5. Task Force members were presented, on page 9, with a comparison of 2011-12 charter school FTE to total FTE. The members requested FTE student growth by year, to show number of new students enrolling each year for charter schools, traditional schools, and total growth.
6. State Requirements for Educational Facilities (SREF) and Class Size Policy.
  - a. Provide building codes and requirements for charter schools versus traditional schools; the calculation of student stations and the effect of class size; and how square footage is treated.
  - b. Provide a list/comparison of SREF building requirements and charter school building standards.
  - c. Identify where greater flexibility could be provided to traditional district school facility design and construction without creating any health or safety issues.
  - d. The Chair confirmed that the student station calculations, shown on page 26, take class size requirements into consideration. John Newman stated that when co-teaching was implemented, it mitigated the need for capital outlay class size funds. Task Force members inquired as to how co-teaching, core courses, and virtual education affect the student station calculation.
7. Research how other states fund capital outlay needs of charter schools (North Carolina, Pennsylvania, and Illinois were suggested).



8. Calculate exceptional education students as a percentage of total FTE students of charter schools and school district exceptional education students as a percentage of total school district FTE (excluding McKay scholarship students).
9. Provide history of startup funds for charter schools from the beginning of the program; include information about longevity of operation.
10. Describe the future outlook for Gross Receipts Utilities taxes and sustainability of Public Education Capital Outlay (PECO) revenue?
11. How do/should charter schools fit into the utilization factor? What policies should guide approval of charter schools? Should charter schools be on the Florida Inventory of School Houses (FISH)? Outline and explain the process for approving facilities for charter schools from the planning stages to the request for funding.
12. Quantify the technological readiness of schools. Verify that charter schools are included in the technology survey conducted by our Technology Office.

Chair Champion discussed plans for the next meeting. Materials requested during the discussion will be provided in advance of the next meeting. In addition, a funding model will be developed for a workshop presentation. The model will be presented at the next meeting and will be available for revision at the third Task Force meeting. The next meeting will be scheduled for September 2012.

An opportunity for public comment was provided by Chair Champion. Mr. Chris Doolin, representing the Small School District Council Consortium, commented that there needs to be sufficient funding to meet capital technology needs; there may need to be new resources; priorities should be set in a 5-year facility planning cycle; investment of public funds in facilities need protection; and capital outlay funds should be allocated for projects, not distributed on an FTE student basis. Mr. Ralph Arza, representing the Florida Consortium of Charter Schools, commented about the importance of the work of the Task Force and that the funding needs and challenges require thorough discussion.

The meeting was adjourned.

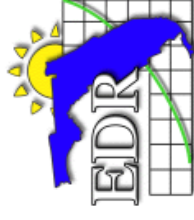
# TAB C

**Gross Receipts and PECO Bonding  
Presentation by Amy Baker from the  
Office of Economic & Demographic  
Research**

# An Overview of Gross Receipts and PECO Bonding

September 27, 2012

Presented by:



The Florida Legislature  
Office of Economic and  
Demographic Research  
850.487.1402  
<http://edr.state.fl.us>

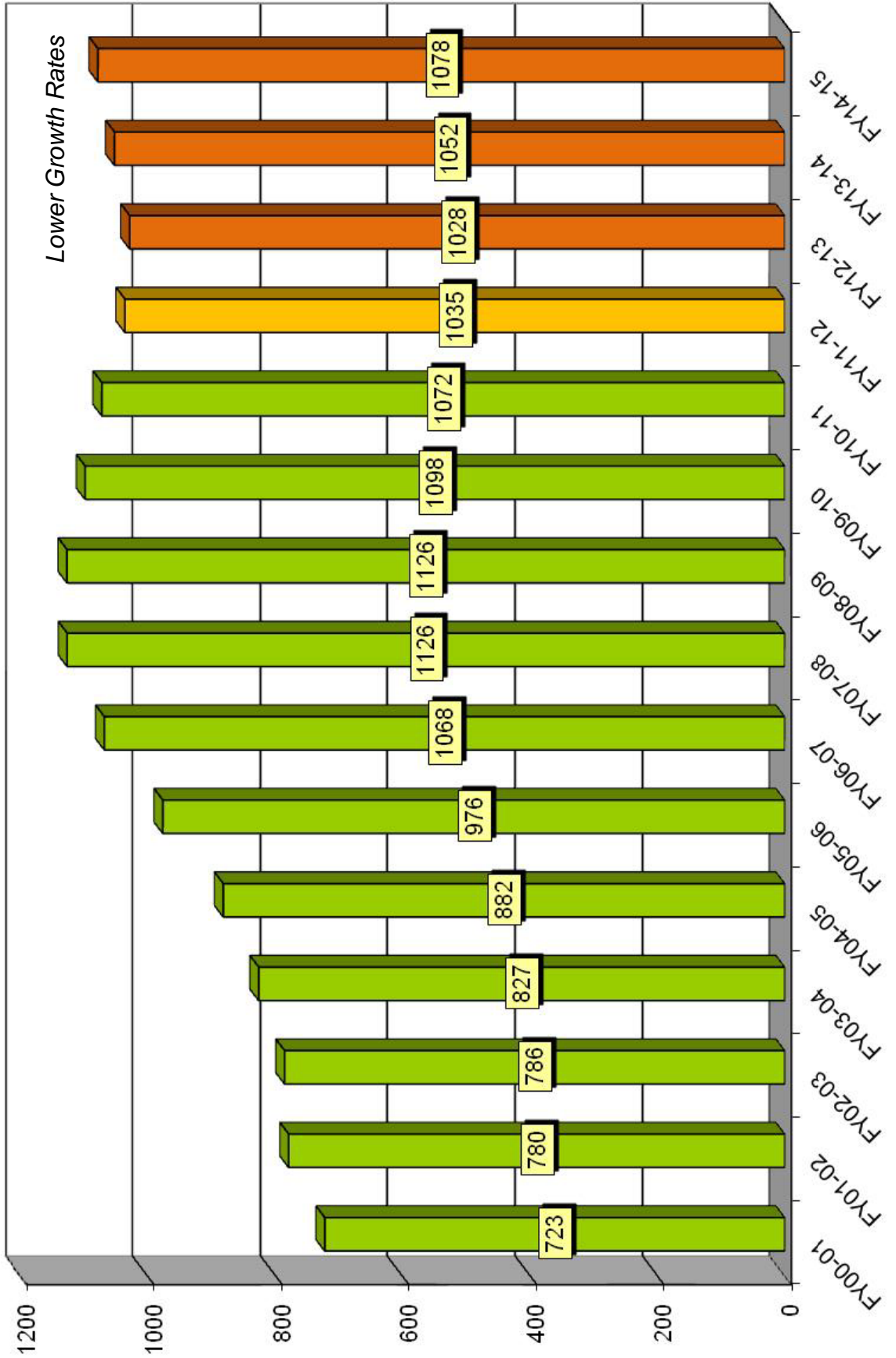
# Taxable Items

Gross Receipts (CST +++)	Sales Tax CST
<ul style="list-style-type: none"> <li>Telecommunication Services – residential, commercial and wireless</li> </ul>	<ul style="list-style-type: none"> <li>Telecommunication Services – commercial and wireless</li> </ul>
<ul style="list-style-type: none"> <li>Television Services – cable and satellite</li> </ul>	<ul style="list-style-type: none"> <li>Television Services – cable and satellite</li> </ul>
<ul style="list-style-type: none"> <li>Electricity</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<ul style="list-style-type: none"> <li>Gas Fuels</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<p><b>2012-13 Total Estimate: \$1,027.9 million</b></p>	
<p><b>2012-13 Estimate: (See Below)</b></p>	
<p><b>CST~ \$409.4 million</b> (39.8% of Total Gross Receipts)</p>	<p><b>CST~ \$968.8 million</b> (2.37 x Gross Receipts share)</p>

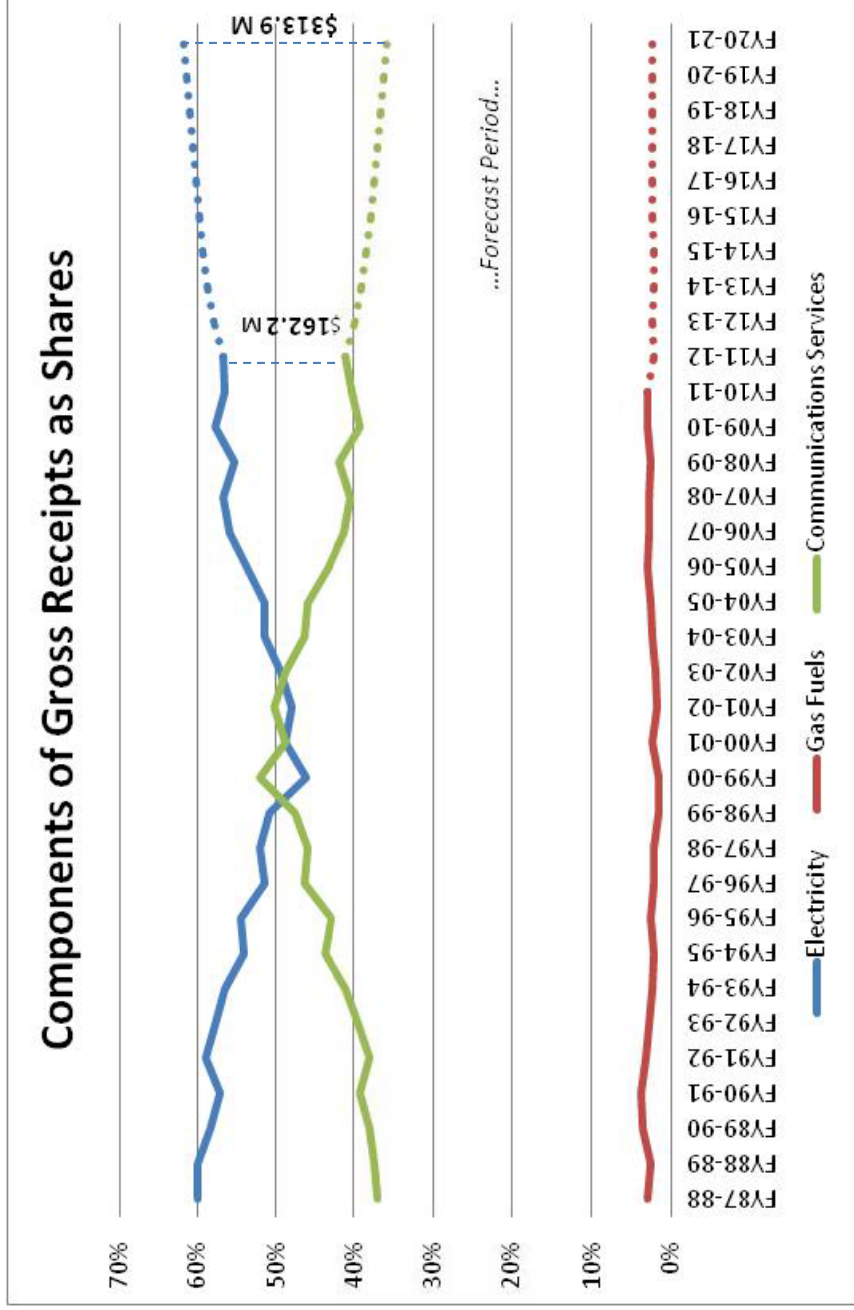


# Gross Receipts Revenues

Source: July 2012 REC



# Source Shares in Gross Receipts



The three forecasted components can also be thought of as shares of the total. In dollar terms for FY 2011-12, the share associated with electricity is \$176.53 million greater than the share associated with communications services. Because electricity has stronger growth rates than communications services throughout the forecast period, the dollar difference between the two will increase over time.

# Bonding Attributes

- Generally, Section 11 of Article VII of the Florida Constitution authorizes the state to issue general obligation bonds or revenue bonds to finance or refinance fixed capital outlay projects authorized by law. General obligation bonds are secured by the full faith and credit of the state and payable from specified taxes. Revenue bonds are payable solely from specified revenues.
- The Florida Constitution requires the Legislature to appropriate moneys sufficient to pay debt service on bonds pledging the full faith and credit of the State. All state tax revenues, other than trust funds dedicated by the Florida Constitution for other purposes, would be available for such an appropriation if required.
- Education-related bonds are unusual because the state is responsible for the liability while the related assets are owned by local school districts, state colleges and state universities --- meaning that the asset is not included in the state's financial statements while the current-period liability is.
- Public Education Bonds are issued to finance capital outlay projects of local school districts, community colleges, vocational technical schools, and state universities. The bonds, serial and term, are secured by a pledge of the state's **gross receipts tax revenues** and by a pledge of the **full faith and credit of the state**.

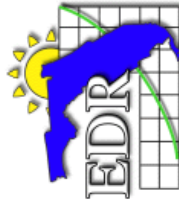
# Authorization To Bond Gross Receipts

## Article XII, Section 9(a)(2)

...all of the proceeds of the revenues derived from the **gross receipts taxes** collected from every person...shall, as collected, be placed in a trust fund to be known as the “public education capital outlay and debt service trust fund” in the state treasury (hereinafter referred to as “capital outlay fund”), and used only as provided herein...

The capital outlay fund shall be administered by the **state board of education** ...(hereinafter referred to as “state board”)...

**State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors**, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in Section 1 of Article IX of this Constitution (hereinafter referred to as “state system”), including but not limited to institutions of higher learning, community colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law.





# Constitutional Requirements...con't

All such bonds shall mature not later than **thirty years** after the date of issuance thereof...

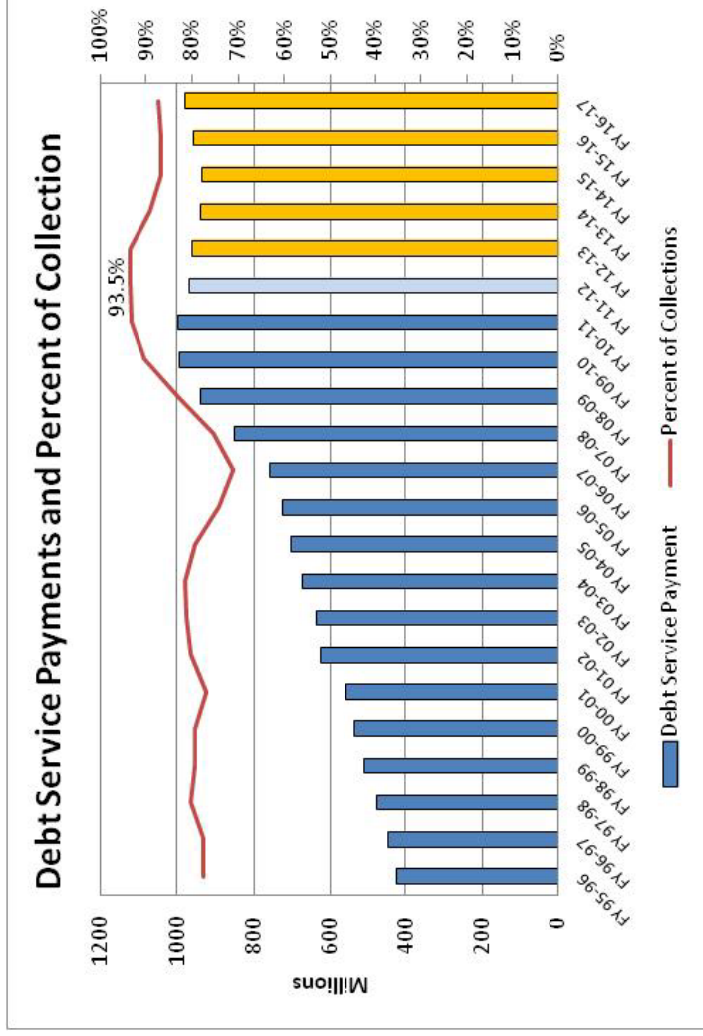
...No such bonds shall ever be issued in an amount exceeding **ninety percent** of the amount which the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this subsection (a)(2), and such determination shall be conclusive.

The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

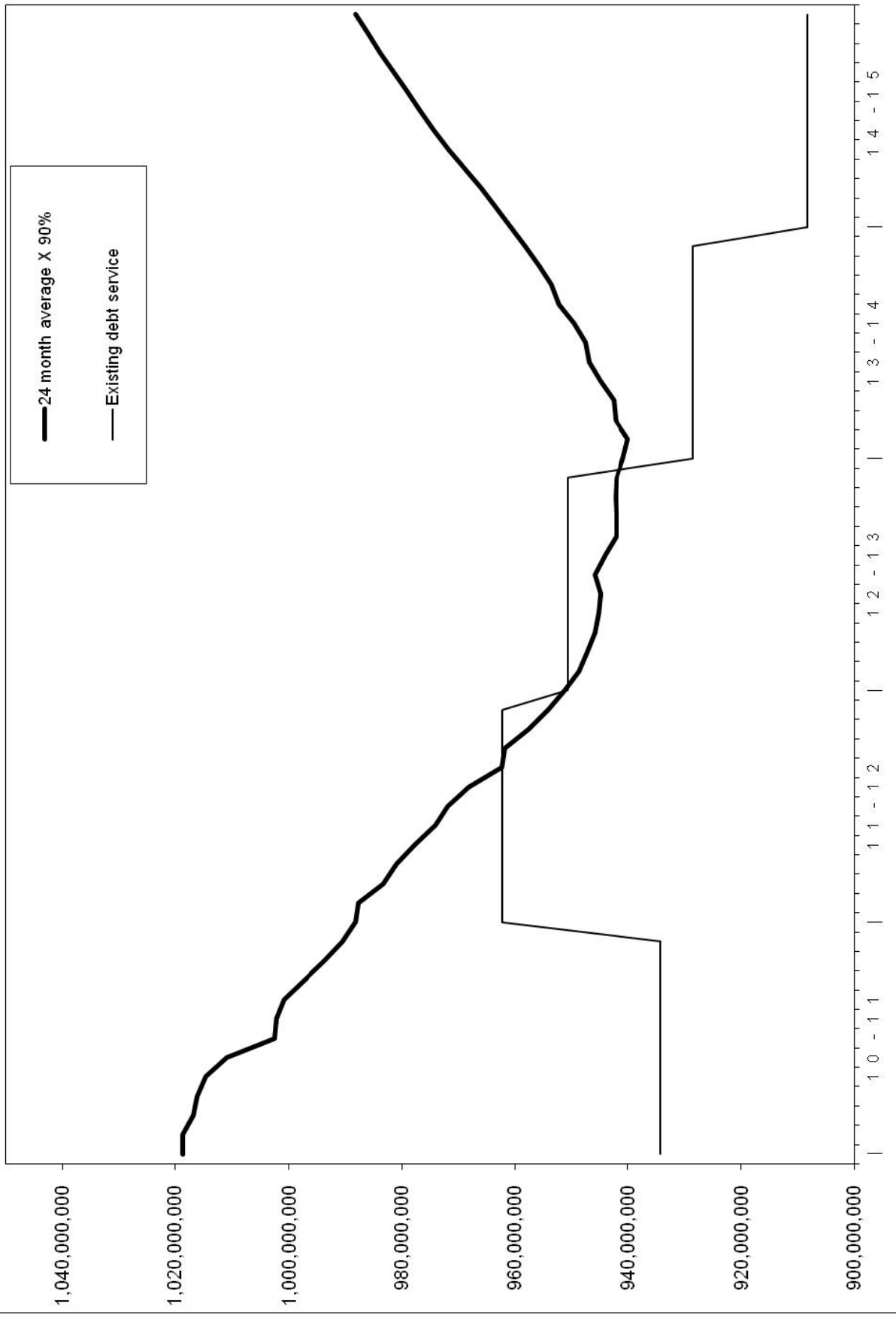
- a. For the payment of the principal of and interest on any bonds due in such fiscal year;
- b. For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any amounts required to be deposited in such reserve funds in such fiscal year;
- c. For direct payment of the cost or any part of the cost of any **capital project for the state system** theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings which authorized the issuance of such bonds, or for the purpose of **maintaining, restoring, or repairing existing public educational facilities**.

# Debt Service

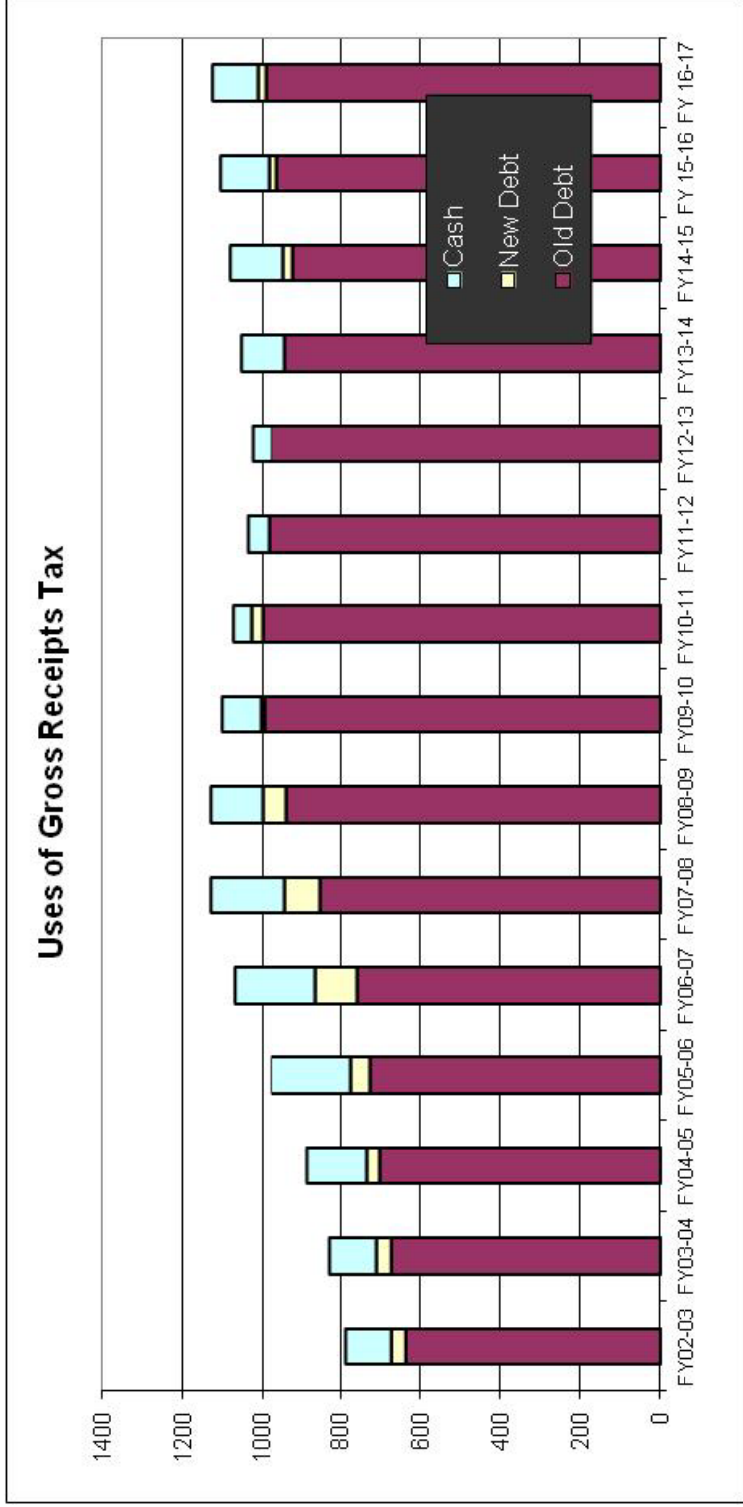
- Each PECO bond sale obligates a portion of the Gross Receipts Tax collection stream into the future. In other words, the state gives up a portion of the future tax collections in order to enjoy the benefit of having a larger amount to spend on projects in the present time. Most of the tax collections are not available for spending on new PECO projects, but instead must be paid out for outstanding bonds. This also means that since the state has typically sold the maximum amount of bonds it can each year, the ability to sell additional bonds in subsequent years is dependent on there being an increase in the tax collections.



## Debt Service on PECO Bonds

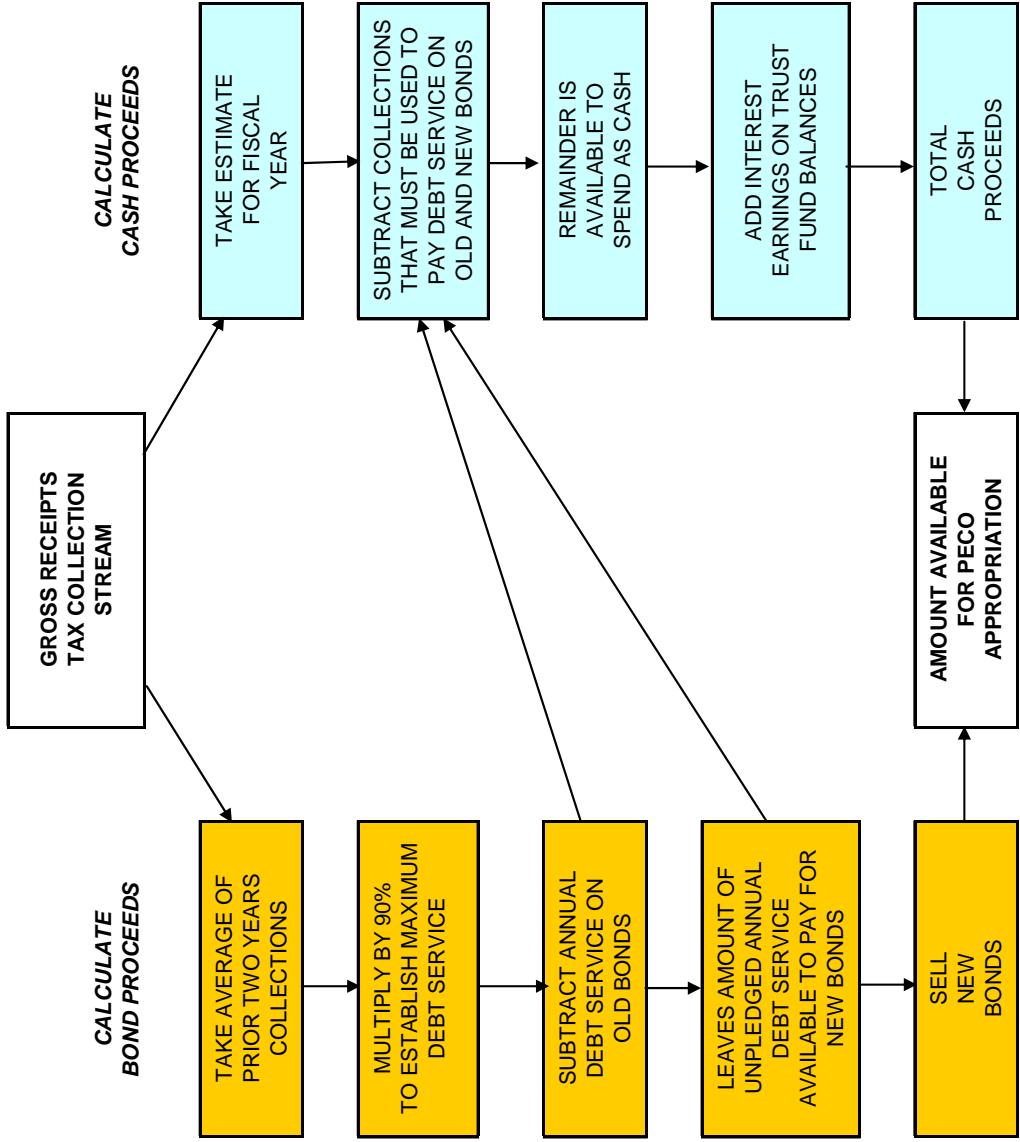


# Total Composition

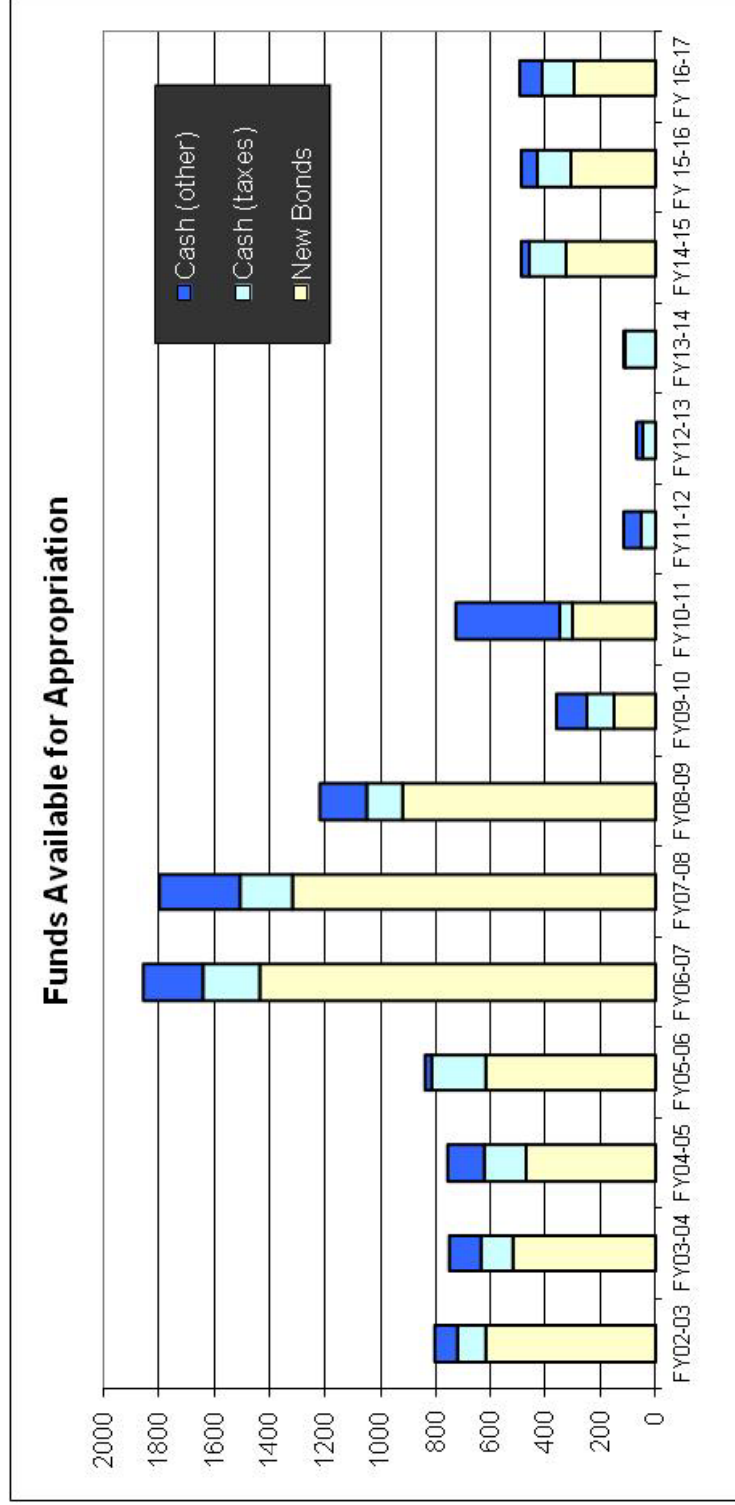


The total PECO estimate is comprised of two kinds of funds, bond proceeds and cash proceeds. In prior years, most of the new funding for PECO has come from the sale of bonds, and it is changes in the sizes of the bond sales which are the primary reason for the fluctuation of the PECO appropriation.

# How the Gross Receipts Tax Becomes a PECO Appropriation

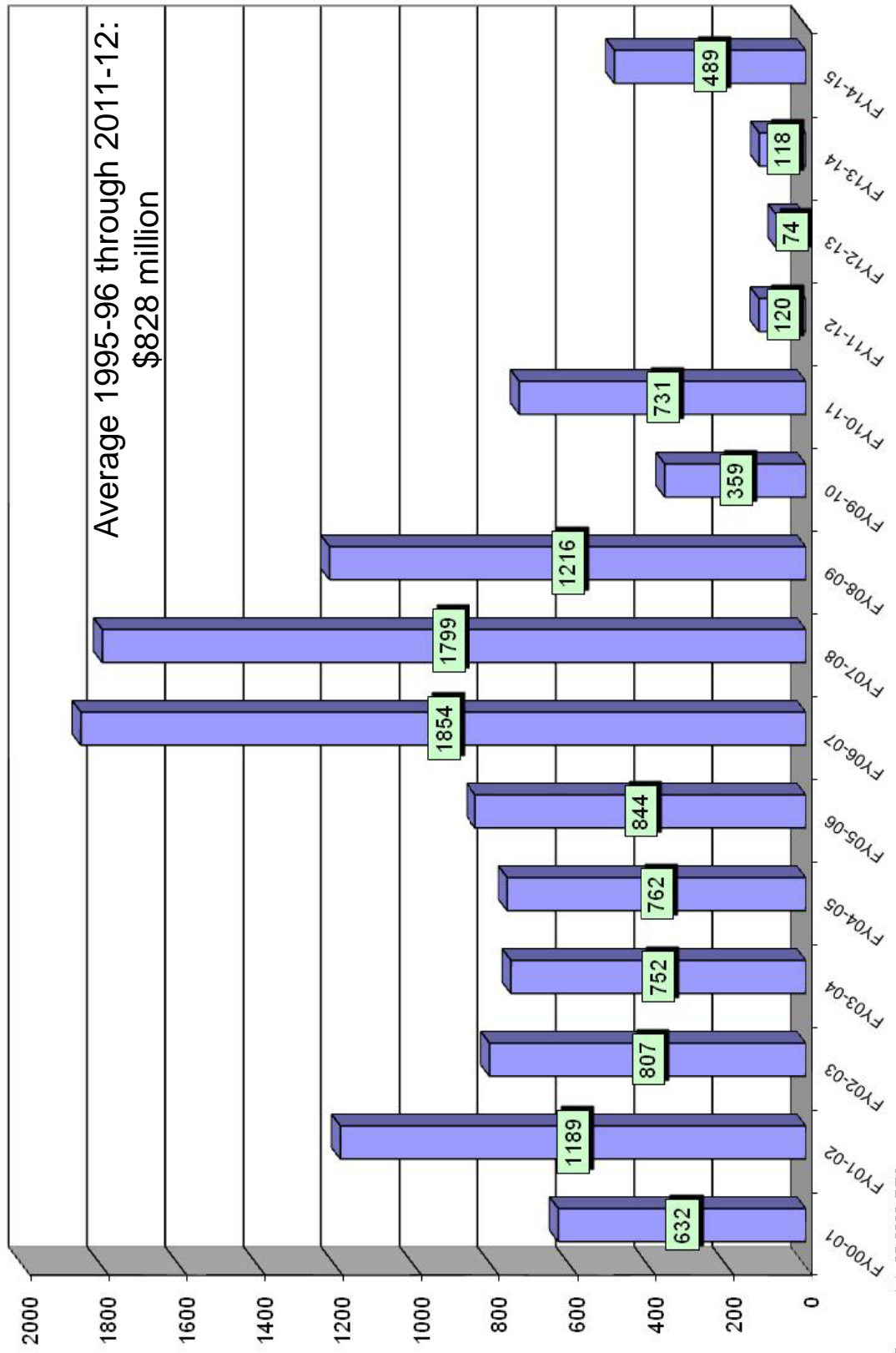


# Expenditure Portion



Bonding is the tool that has allowed the state to leverage the amount that can be appropriated each year. Currently, PECO is the State's largest bond program with \$11.3 billion in outstanding debt (40.8% of the total \$27.7 billion in direct debt outstanding).

# Historical PECO Maximum Appropriation



Source: July 25 2008 REC

**PECO Bond Issuance As a Percentage of Total Issuance**  
**Historical New Money Issuance Fiscal Years 1992 through 2012**  
 (in Millions of Dollars)



While each new debt service issuance is associated with appropriations specific to a single fiscal year, it usually takes multiple years for all of the authorized bonds from a particular year to be issued. This means that the actual bonds issued in any given year were authorized in several prior years, so there is no direct correlation between the appropriation and the actual issuance for a specific year. The appropriations associated with those issuances were likely from other years.

The graph shows both the level and percentage of the PECO bond issuances relative to all bond issuances for each year. Comparing the total for the ten-year period between 1991-92 and 2000-01 with the total for the ten-year period 2001-02 through 2010-11, PECO issuances increased nearly 33 percent. All other bonding programs rose 37 percent, but the composition and amounts attributed to the individual programs comprising that group were significantly different from year to year



# TAB D

**Educational Facilities Presentation by  
Jon Hamrick from the Office of  
Education Facilities**

# Educational Facilities Facilities Task Force Meeting

Jon Hamrick

September 27, 2012

# Topics

- Building Codes
- Construction Cost
- Student Stations
- Class Size Reduction
- Startup Charter School Questions
- Flexibility

# Florida's Construction Codes



# Codes & Their Application

	Startup Charter Schools	Traditional Schools
New Construction, Additions	FL Building Code	FL Building Code
	Section 423 (SREF) FBC-Building is optional	including Section 423 (SREF) FBC-Building
	FL Fire Prevention Code	FL Fire Prevention Code
Remodeling, Renovations	FL Existing Building Code	FL Building Code
	Section 423 (SREF) FBC-Building is optional	Including Section 423 (SREF) FBC-Building
	FL Fire Prevention Code	FL Fire Prevention Code
Accessibility	FL Accessibility Code	FL Accessibility Code including children's standards
Land Development Regulations	Local zoning code	FL Building Code Section 423

# Code Enforcement

	Startup Charter Schools	Traditional Schools
Plan Review	Local building department	Five options 1. District staff 2. Consultants 3. Local building department
Construction Inspections		
Certificates of Occupancy		4. DOE for plan review 5. Consortiums 6. Any combination

# Section 423, FBC - Building

- Specific to public education
- Optional for startup charter schools
- Provides for:
  - Uniformity of standards throughout the state
  - Requirements mandated by statute
  - Protection of health and safety of students
  - Limit district liability
  - Most cost effective construction for the life of the building
  - School operations
  - Practices that work for the education community
  - Zoning requirements
  - Planning flexibility

# Florida Statutes

- 1013 Educational Facilities
- 1013.20 – 1013.21 Relocatable building criteria
- 1013.31 – 1013.32 Survey criteria
- 1013.35 Educational facilities planning criteria
- 1013.36 – 1013.365 Site criteria
- 1013.37 – 1013.512 Construction and contracting for traditional schools
- 1002.33(18) Facility criteria for charter schools



# Traditional School Construction Cost (2010)

School type	Elementary	Middle	High
Student Stations	902	0	2,384
Net Square Feet	90,697	0	278,053
Contract Cost	\$17,293,527	\$0	\$58,502,258
Cost per Net Square Foot	\$191	\$0	\$210
Total Facility Cost*	\$21,573,000	\$0	\$74,980,682
Cost per Student Station	\$24,396	\$0	\$30,904
Allowed Cost per Student Station	\$19,630	\$21,198	\$27,535

\*Total Facility Cost includes contract cost, site improvements, furniture & equipment, design fees, legal fees, and administrative cost.

# Traditional School Construction Cost (2009)

School type	Elementary	Middle	High
Student Stations	928	1,485	1,939
Net Square Feet	95,665	145,204	197,090
Contract Cost	\$16,664,071	\$26,728,433	\$38,848,684
Cost per Net Square Foot	\$174	\$184	\$197
Total Facility Cost*	\$20,640,836	\$33,133,042	\$47,883,914
Cost per Student Station	\$22,447	\$22,369	\$25,630
Allowed Cost per Student Station	\$19,140	\$20,669	\$26,848

\*Total Facility Cost includes contract cost, site improvements, furniture & equipment, design fees, legal fees, and administrative cost.

# Planning for Expenditure of Capital Outlay Funds

- Startup Charter Schools
  - Sections 1002.33(18) & 1013.62, F.S.
  - School-specific capital outlay plan
    - One-year plan
    - Formula-based (statutory)
    - Eligibility criteria
- Traditional Public Schools
  - Sections 1013.31 & 1013.35, F.S.
  - District wide educational facilities plan (plant survey and work plan)
    - Includes 5, 10, & 20 year space needs
    - Need based
      - Enrollment forecast (EDR)
      - Validated inventory (FDOE)
      - Facilities ages, condition
    - Includes balanced, financially feasible work program for first 5 years

# Calculation Of Student Stations And The Effect On Class Size

- Class size is not based on the calculation of student stations
- Class size is determined by number of students in a classroom, not the physical facility space.
- Student station calculations are part of a function used to determine a school's recommended student capacity relative to the classrooms and instructional spaces
  - School capacity is driven by the constitutional class size mandate so that core-curricula classes (instructional programs) can be appropriately accommodated within the framework of the facilities planning program

# Classroom Square Footage Before And After The Class Size Reduction Mandate

- Classroom size and the number of assigned student stations ***before*** the class size reduction mandate were determined based on:
  - An amount of NSF per student station
  - The grade-group level
  - District priorities and local decisions regarding size of space needs

# Classroom Square Footage Before And After The Class Size Reduction Mandate

- Classroom size and the number of assigned student stations **after** the class size reduction mandate are determined based on:
  - An amount of NSF per student station
  - The grade-group level
  - District priorities and local decisions regarding size of space needs
  - Whether or not the classroom is primarily designed for core-curricula instruction

# Classroom Square Footage Before And After The Class Size Reduction Mandate

- ✘ Since passage of the class size reduction mandate, student station and NSF allocations were adjusted so that classroom size (room net square footage) has remained the same as before the class size reduction mandate
  - Basic core-curricula classrooms, statewide, average 866 NSF for all grade groups without regard to student stations

# How Co-teaching, Core-Curricula, and Virtual Education Affect Student Station Calculations

- These are instructional options that are implemented at the local level and have no impact or influence on student station calculations in FISH
- Student stations calculations are a function of determining the recommended student capacity at school facilities



# Startup Charter School Questions

- Who has responsibility for approving charter school facilities:
  - Local school boards and other local governing authorities
  - Startup charter school approval is not under the purview of OEF duties
- What are the utilization factors for startup charter schools:
  - No established OEF criteria
  - Not tracked by OEF
    - OEF is only authorized to oversee publicly owned facilities as per Section 1013.31, F.S.
  - Local control issue

# Startup Charter School Questions

- Should startup charter schools be in FISH?
  - Not under current processes
  - If startup charter schools were included in FISH, it would require:
    - Statutory authorization
    - A different and distinct data subset incorporated into EFIS database
  - Development of unique and comprehensive rules, parameters, and procedures for startup charter schools

# Flexibility

## Without Creating Health Or Safety Concerns

- There is a list (originally called a “toolbox” of options for implementing the CSR mandate) of district-level implementation options that are defined in §1003.03, F.S. These include:
  - Adopt policies that encourage qualified students to take dual enrollment courses
  - Adopt policies that encourage students to take courses from the Florida Virtual School and other virtual instruction options
  - Repeal policies that require students to have more than 24 credits to graduate from high school
  - Adopt policies to allow students to graduate from high school as soon as they pass the grade 10 FCAT and complete the courses required for high school graduation

# Flexibility

## Without Creating Health Or Safety Concerns

- Use a variety of methods to maximize work assignments of instructional staff
- Change required teaching loads and scheduling of planning periods
- Assign district-level employees who have professional certification to the classroom
- Use adjunct educators
- Use innovative methods to reduce the cost of school construction
- Use joint-use facilities
- Adopt alternative methods of class scheduling (e.g. block schedules)

# Flexibility

## Without Creating Health Or Safety Concerns

- Redraw school attendance zones to maximize use of facilities
- Operate schools beyond the traditionally scheduled hours
- Provide classes in the evening or operate more than one session of school during the day
- Use year-round schools and other nontraditional calendars
- Amend collective bargaining contracts that hinder the implementation of class size reduction
- Use any approach not prohibited by law

# Flexibility

## Without Creating Health Or Safety Concerns

- Hurricane shelter requirements
- 5% operable glazing
- State contracting procedures
- Relax utilization and capacity requirements
- Covered walkways
- Upgrades for long term use of relocatables
  - Covered walkways
  - Technology

## Section 1002.33(18), Florida Statutes Charter schools.—

### (18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. [1013.37](#). The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority.

(b) A charter school shall utilize facilities that comply with the Florida Fire Prevention Code, pursuant to s. [633.025](#), as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. [196.1983](#). Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. [553.80](#); fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for special benefits.

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

(g) Each school district shall annually provide to the Department of Education as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year. The department may recommend that a district make such space available to an appropriate charter school.

## Section 1013.62, Florida Statutes Charter schools capital outlay funding.

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools.

(a) To be eligible for a funding allocation, a charter school must:

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

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

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

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

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

2. Have financial stability for future operation as a charter school.

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

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

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

(b) The first priority for charter school capital outlay funding is to allocate to charter schools that received funding in the 2005-2006 fiscal year an allocation of the same amount per capital outlay full-time equivalent student, up to the lesser of the actual number of capital outlay full-time equivalent students in the current year, or the capital outlay full-time equivalent students in the 2005-2006 fiscal year. After calculating the first priority, the second priority is to allocate excess funds remaining in the appropriation in an amount equal to the per capital outlay full-time equivalent student amount in the first priority calculation to eligible charter schools not included in the first priority calculation and to schools in the first priority calculation with growth greater than the 2005-2006 capital outlay full-time equivalent students. After calculating the first and second priorities, excess funds remaining in the appropriation must be allocated to all eligible charter schools.

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

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

(e) Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school is determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. However, a charter school or charter lab school may not receive state charter school capital outlay funds greater than the one-fifteenth cost per student station formula if the charter school's combination of state charter school capital outlay funds, capital outlay funds calculated through the reduction in the administrative fee provided in s. 1002.33(20), and capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student station formula.

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

(2) A charter school's governing body may use charter school capital outlay funds for the following purposes:

(a) Purchase of real property.

(b) Construction of school facilities.

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

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

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

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



- (g) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- (h) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

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

(3) When a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with district public funds shall revert to the ownership of the district school board, as provided for in s. 1002.33(8)(e) and (f). In the case of a charter lab school, any unencumbered funds and all equipment and property purchased with university public funds shall revert to the ownership of the state university that issued the charter. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with public funds is subject to the complete satisfaction of all lawful liens or encumbrances. If there are additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the charter contract prior to the expenditure of funds.

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

(5) The annual legislative budget request of the Department of Education shall include a request for capital outlay funding for charter schools. The request shall be based on the projected number of students to be served in charter schools who meet the eligibility requirements of this section. A dedicated funding source, if identified in writing by the Commissioner of Education and submitted along with the annual charter school legislative budget request, may be considered an additional source of funding.

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

History.—s. 859, ch. 2002-387; s. 4, ch. 2003-393; s. 8, ch. 2006-27; s. 39, ch. 2009-59; s. 35, ch. 2010-154.

## **Section 1013.20, Florida Statutes**

### **Standards for relocatables used as classroom space; inspections.**

(1) The State Board of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. Each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. District school boards shall submit a plan for the use of existing relocatables within the 5-year work program to be reviewed and approved by the commissioner by January 1, 2003. A progress report shall be provided by the commissioner to the Speaker of the House of Representatives and the President of the Senate each January thereafter. Relocatables that fail to meet the standards after completion of the approved plan may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, to be accessible by adequate covered walkways. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

(2) Annual inspections for all satisfactory relocatables designed for classroom use or being occupied by students are required for: foundations; tie-downs; structural integrity; weatherproofing; HVAC; electrical; plumbing, if applicable; firesafety; and accessibility. Reports shall be filed with the district school board and posted in each respective relocatable in order to facilitate corrective action.  
History.—s. 814, ch. 2002-387.

## **Section 1013.21, Florida Statutes**

### **Reduction of relocatable facilities in use.**

(1)(a) It is a goal of the Legislature that all school districts shall provide a quality educational environment for their students such that, by July 1, 2003, student stations in relocatable facilities exceeding 20 years of age and in use by a district during the 1998-1999 fiscal year shall be removed and the number of all other relocatable student stations at over-capacity schools during that fiscal year shall be decreased by half. The Legislature finds, however, that necessary maintenance of existing facilities and public school enrollment growth impair the ability of some districts to achieve the goal of this section within 5 years. Therefore, the Legislature is increasing its commitment to school funding in this act, in part to help districts reduce the number of temporary, relocatable student stations at over-capacity schools. The Legislature intends that local school districts also increase their investment toward meeting this goal. Each district's progress toward meeting this goal shall be measured annually by comparing district facilities work programs for replacing relocatables with the state capital outlay projections for education prepared by the Office of Educational Facilities. District facilities work programs shall be monitored by the Office of Educational Facilities to measure the commitment of local school districts toward this goal.

(b) For the purposes of this section, an "over-capacity school" means a school the capital outlay FTE enrollment of which exceeds 100 percent of the space and occupant design capacity of its nonrelocatable facilities. However, if a school's initial design incorporated relocatable or modular instructional space, an "over-capacity school" shall mean a school the capital outlay FTE enrollment of which exceeds 100 percent of the space and occupant design capacity of its core facilities.

(2) In accordance with the legislative goal described in subsection (1), any relocatables purchased with money appropriated pursuant to chapter 97-384, Laws of Florida, shall be counted at actual student capacity for purposes of s. 1013.31 for the life cycle of the relocatable.

History.—s. 815, ch. 2002-387; s. 14, ch. 2010-70.

## Section 1013.31, Florida Statutes

### Educational plant survey; localized need assessment; PECO project funding.

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Department of Education or the Chancellor of the State University System, as appropriate. The survey report shall include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for Florida College System institutions; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the Department of Education. This report may be amended, if conditions warrant, at the request of the department or commissioner.

(b) Required need assessment criteria for district, Florida College System institution, state university, and Florida School for the Deaf and the Blind plant surveys.—Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

2. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts and Florida College System institutions and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, Florida College System institutions, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each Florida College System institution's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the State University System. Projections of facility space needs must be consistent with standards for determining space needs as specified by regulation of the Board of Governors. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Governors.

5. The district educational facilities plan of a school district and the educational plant survey of a Florida College System institution, state university, or the Florida School for the Deaf and the Blind may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Governors, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The Department of Education shall review and validate the surveys of school districts and Florida College System institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources

as determined by the department. The commissioner may direct fixed capital outlay funds to be withheld from districts until such time as the survey accurately projects facilities needs.

(d) Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the timeframe in which districts must provide a periodic update.

(2) Only the district school superintendent, Florida College System institution president, or the university president shall certify to the Department of Education a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the Department of Education that the need for and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.

(b) Upon request for release of construction funds, certification must be made to the Department of Education that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the Florida Building Code for educational facilities construction or other applicable codes as authorized in this chapter.

History.—s. 14, ch. 2002-296; s. 826, ch. 2002-387; s. 128, ch. 2003-1; s. 18, ch. 2003-391; s. 136, ch. 2004-357; s. 2, ch. 2006-132; s. 178, ch. 2007-217; s. 32, ch. 2010-78; s. 210, ch. 2011-5.

### **Section 1013.32, Florida Statutes**

#### **Exception to recommendations in educational plant survey.**

An exception to the recommendations in the educational plant survey may be allowed if a board considers that it will be advantageous to the welfare of the educational system or that it will make possible a substantial saving of funds. A board, upon determining that an exception is warranted, must present a full statement, in writing, setting forth all the facts to the Commissioner of Education.

History.—s. 827, ch. 2002-387.

## Section 1013.35, Florida Statutes

### School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.

(1) DEFINITIONS.—As used in this section, the term:

(a) "Adopted educational facilities plan" means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.

(b) "District facilities work program" means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is required in order to:

1. Properly maintain the educational plant and ancillary facilities of the district.
2. Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 1013.21.

(c) "Tentative educational facilities plan" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities and the affected general-purpose local governments.

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(a) Annually, prior to the adoption of the district school budget, each district school board shall prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board's plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include:

1. Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.

2. An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.

5. The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated capacity and maps showing the general locations. The school board's identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

6. The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:

- a. Acceptable capacity;
- b. Redistricting;
- c. Busing;
- d. Year-round schools;
- e. Charter schools;
- f. Magnet schools; and
- g. Public-private partnerships.

7. The criteria and method, jointly determined by the local government and the school board, for determining the impact of proposed development to public school capacity.

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

- b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33(6), (7), and (8) and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.
  - c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.
  - d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.
  - e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.
  - f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.
  - g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.
  - h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.
3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.
  4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.
  5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.
  6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.
- (c) To the extent available, the tentative district educational facilities plan shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.
  - (d) Provision shall be made for public comment concerning the tentative district educational facilities plan.
  - (e) The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.
  - (f) Not less than once every 5 years, the district school board shall have a financial management and performance audit conducted of the educational planning and construction activities of the district. An audit conducted by the Office of Program Policy Analysis and Government Accountability and the Auditor General pursuant to s. 1008.35 satisfies this requirement.

(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO LOCAL GOVERNMENT.—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement when required by ss. 163.3177(6)(h), 163.31777, and 1013.33(2). The process for the submittal and review shall be detailed in the interlocal agreement when required pursuant to ss. 163.3177(6)(h), 163.31777, and 1013.33(2).

(4) ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.—Annually, the district school board shall consider and adopt the tentative district educational facilities plan completed pursuant to subsection (2). Upon giving proper notice to the public and local governments and opportunity for public comment, the district school board may amend the plan to revise the priority of projects, to add

or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district educational facilities plan shall:

(a) Be a complete, balanced, and financially feasible capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.

(5) EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN.—The first year of the adopted district educational facilities plan shall constitute the capital outlay budget required in s. 1013.61. The adopted district educational facilities plan shall include the information required in subparagraphs (2)(b)1., 2., and 3., based upon projects actually funded in the plan.

History.—s. 17, ch. 2002-296; s. 830, ch. 2002-387; s. 130, ch. 2003-1; s. 16, ch. 2010-70; s. 71, ch. 2011-139; s. 20, ch. 2012-99; s. 19, ch. 2012-133.

**Section 1013.36, Florida Statutes**  
**Site planning and selection.**

(1) Before acquiring property for sites, each district school board and Florida College System institution board of trustees shall determine the location of proposed educational centers or campuses. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency of such plans. Boards are encouraged to locate district educational facilities proximate to urban residential areas to the extent possible, and shall seek to collocate district educational facilities with other public facilities, such as parks, libraries, and community centers, to the extent possible and to encourage using elementary schools as focal points for neighborhoods.

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables.

(3) Sites recommended for purchase or purchased must meet standards prescribed in law and such supplementary standards as the State Board of Education prescribes to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program or collocated with facilities to serve this purpose. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. To the extent practicable, sites must be chosen which will provide safe access from neighborhoods to schools.

(4) It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(5) Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

(6) If the school board and local government have entered into an interlocal agreement pursuant to ss. 1013.33(2) and 163.31777 or have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan, site planning and selection must be consistent with the interlocal agreements and the plans.

History.—s. 22, ch. 2002-296; s. 831, ch. 2002-387; s. 132, ch. 2003-1; s. 211, ch. 2011-5; s. 101, ch. 2012-5; s. 22, ch. 2012-99.



**Section 1013.365, Florida Statutes**  
**Schools on contaminated site prohibited.**

(1) **DEFINITIONS.**—For purposes of this section, the following terms shall have the same meaning as provided in the definitions in s. 376.301: “contaminant,” “contaminated site,” “discharge,” “engineering controls,” “hazardous substances,” “institutional controls,” “pollutants,” and “site rehabilitation.”

(2) **LEGISLATIVE INTENT.**—The Legislature finds:

(a) Steps should be taken to eliminate or reduce the risk to student health posed by attendance at K-12 schools located on or adjacent to a contaminated site.

(b) District school boards have a duty and a responsibility to ensure the safety of school children while attending K-12 schools and engaging in extracurricular activities on school properties.

(c) Ensuring student safety includes preventing, eliminating, or reducing exposure to contaminants that may exist at or adjacent to K-12 school properties.

(3) **K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.**—No K-12 school shall be built on or adjacent to a known contaminated site unless steps have been taken to ensure that children attending the school or playing on school property will not be exposed to contaminants in the air, water, or soil at levels that present a threat to human health or the environment.

(4) **DUTIES OF DISTRICT SCHOOL BOARD.**—Before taking title to real property upon which a K-12 school may be built or initiating action to locate a K-12 school on real property already owned by the school district, the district school board shall conduct appropriate due diligence including all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice in an effort to determine the existence of any potential air, water, or soil contamination that may exist on or adjacent to the proposed K-12 school site. The district school board is encouraged to contact the Department of Environmental Protection to obtain any information about contaminated sites on or adjacent to a proposed K-12 school site. Any evidence of a discharge of pollutants or hazardous substances on or adjacent to a proposed K-12 school site shall prompt the district school board to conduct further investigation using at least a Phase II Environmental Audit, in accordance with standards established by the American Society for Testing and Materials (ASTM), that includes air, water, and soil sampling. If the results of the environmental audit confirm the presence of contaminants or pollution on or adjacent to the proposed K-12 school site at concentrations that pose a threat to human health or the environment, then the district school board shall conduct appropriate site rehabilitation in accordance with the provisions of subsection (5) before initiating K-12 school construction at the site.

(5) **CORRECTIVE ACTION.**—The Department of Environmental Protection may use risk-based corrective action cleanup criteria as described in ss. 376.3071, 376.3078, and 376.81, and in chapter 62-777, Florida Administrative Code, in reviewing and approving site rehabilitation conducted by district school boards pursuant to this section.

History.—s. 832, ch. 2002-387.

## Section 1013.37, Florida Statutes State uniform building code for public educational facilities construction.

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and Florida College System institution district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Business and Professional Regulation for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 1013.12, except that the firesafety criteria shall be established by the State Fire Marshal in cooperation with the Florida Building Commission and the department and such firesafety requirements must be incorporated into the Florida Fire Prevention Code.

(d) Accessibility for children, notwithstanding the provisions of s. 553.512.

(e) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building which are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy-consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Life-cycle cost criteria published by the Department of Education for use in evaluating projects.

4. Standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to comply with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund and to prohibit district school boards from expending local capital outlay revenues for any project that includes materials or systems that do not comply with these standards, unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

(2) APPROVAL.—

(a) Before a contract has been let for the construction, the department, the district school board, the Florida College System institution board, or its authorized review agent must approve the phase III construction documents. A district school board or a Florida College System institution board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Florida Building Code and the Florida Fire Prevention Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the department, the district school board, the Florida College System institution board, or its review agent as authorized in s. 1013.38, shall take into consideration:

1. The need for the new facility.

2. The educational and ancillary plant planning.

3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Florida Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning systems preapproved by the department for specific applications may be used in the design of educational facilities.
11. The electrical design of educational plants.
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The design to accommodate physically handicapped persons.
15. The ratio of net to gross square footage.
16. The proposed construction cost per gross square foot.
17. Conformity with the Florida Fire Prevention Code.

(c) The district school board or the Florida College System institution board may not occupy a facility until the project has been inspected to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record, and verification of compliance for other projects may be made by an inspector certified by the department or certified pursuant to chapter 468 who is not the architect or engineer of record. The board shall maintain a record of the project's completion and permanent archive of phase III construction documents, including any addenda and change orders to the project. The boards shall provide project data to the department, as requested, for purposes and reports needed by the Legislature.

(3) REVIEW PROCEDURE.—The Commissioner of Education shall cooperate with the Florida Building Commission in addressing all questions, disputes, or interpretations involving the provisions of the Florida Building Code which govern the construction of public educational and ancillary facilities, and any objections to decisions made by the inspectors or the department must be submitted in writing.

(4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The department shall biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the Florida Building Code which govern the construction of public educational and ancillary facilities. The department shall publish and make available to each board at no cost copies of the State Requirements for Educational Facilities and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs.

(5) LOCAL LEGISLATION PROHIBITED.—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

History.—s. 834, ch. 2002-387; s. 38, ch. 2009-59; s. 18, ch. 2011-3; s. 212, ch. 2011-5; s. 472, ch. 2011-142.

**Section 1013.512, Florida Statutes**  
**Land Acquisition and Facilities Advisory Board.**

(1) The Legislature recognizes that effective land acquisition and facilities operations are essential components of Florida district school boards' ability to provide facilities to accommodate the growing student population in the state. To support and assist the school districts, it is appropriate for the Legislature to make advisory resources available to aid districts in meeting those needs.

(2) If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district's land acquisition and facilities operational processes, he or she shall certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. Upon recommendation by the Governor, the Legislative Budget Commission shall approve or disapprove the placement of school district funds in reserve until the deficiencies are corrected.

(3) After receipt of that certification, the President of the Senate, the Speaker of the House of Representatives, and the Governor shall name a Land Acquisition and Facilities Advisory Board to provide expert advice and assist in improving the district's land acquisition and facilities operational processes. Each Land Acquisition and Facilities Advisory Board shall consist of seven members and shall possess specific expertise needed to assist the school district in improving its deficient processes. The President of the Senate and the Speaker of the House of Representatives shall each appoint two members, and the Governor shall appoint three members of the advisory board. Membership of each advisory board may be different for each district. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in accordance with s. 112.061.

(4) Within 30 days of its formation, the Land Acquisition and Facilities Advisory Board shall convene in the district and make all reasonable efforts to help the district correct deficiencies noted in the examination or audit of the district. The district must cooperate with the advisory board and provide information as requested.

(5) Within 60 days of convening, the Land Acquisition and Facilities Advisory Board shall assess the district's progress and corrective actions and report to the Commissioner of Education. The advisory board's report must address the release of any funds placed in reserve by the Executive Office of the Governor. Any recommendation from the advisory board for the release of funds shall include a certification that policies established, procedures followed, and expenditures made by the school board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action and address recommendations made by the Office of Program Policy Analysis and Government Accountability and the Auditor General. If the advisory board does not recommend release of the funds held in reserve, they shall provide additional assistance and submit a subsequent report 60 days after the previous report.

(6) Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded.

History.—s. 10, ch. 2001-86; ss. 8, 9, ch. 2002-402; s. 61, ch. 2005-152.

Note.—Former s. 230.23024.

# TAB E

**Charter School PECO Funds Compared  
to Discretionary Capital Improvement  
Millage Utilizing COFTE**

Florida Department of Education

Charter School PECO Funds Compared to Discretionary Local Capital Improvement Millage<sup>1</sup>

District	2011-12 PECO			Discretionary Local Capital Improvement Per COFTE	Per Student Difference	Net Difference	Percent Difference
	Current Charter Allocation	FTE	Funding Per Student				
	-1-	-2-	-3-				
1 Alachua	648,833	1,553	417.75	757.44	339.69	527,590	81.31%
2 Baker	0	0	0.00	261.62	0.00	0	0.00%
3 Bay	507,287	1,234	411.25	603.21	191.96	236,785	46.68%
4 Bradford	0	0	0.00	426.83	0.00	0	0.00%
5 Brevard	803,684	2,150	373.79	628.57	254.78	547,802	68.16%
6 Broward	9,791,091	24,406	401.18	882.33	481.15	11,742,855	119.93%
7 Calhoun	0	0	0.00	191.17	0.00	0	0.00%
8 Charlotte	139,738	278	502.11	1,244.89	742.78	206,716	147.93%
9 Citrus	50,552	96	528.90	978.56	449.66	42,979	85.02%
10 Clay	0	0	0.00	382.41	0.00	0	0.00%
11 Collier	87,687	238	369.21	1,723.79	1,354.58	321,713	366.89%
12 Columbia	0	0	0.00	402.19	0.00	0	0.00%
13 Miami-Dade	14,680,049	35,964	408.18	977.30	569.12	20,468,088	139.43%
14 DeSoto	0	0	0.00	472.32	0.00	0	0.00%
15 Dixie	0	0	0.00	376.64	0.00	0	0.00%
16 Duval	1,648,636	4,230	389.79	687.58	297.79	1,259,527	76.40%
17 Escambia	316,236	754	419.21	566.39	147.18	111,027	35.11%
18 Flagler	272,895	797	342.39	913.44	571.05	455,144	166.78%
19 Franklin	117,065	312	375.21	1,984.10	1,608.89	501,974	428.80%
20 Gadsden	105,533	285	370.60	416.38	45.78	13,036	12.35%
21 Gilchrist	0	0	0.00	387.31	0.00	0	0.00%
22 Glades	62,321	189	330.62	471.06	140.44	26,473	42.48%
23 Gulf	0	0	0.00	310.22	0.00	0	0.00%
24 Hamilton	0	0	0.00	683.72	0.00	0	0.00%
25 Hardee	0	0	0.00	149.03	0.00	0	0.00%
26 Hendry	0	0	0.00	191.35	0.00	0	0.00%
27 Hernando	44,826	118	379.24	566.97	187.73	22,190	49.50%
28 Highlands	0	0	0.00	620.83	0.00	0	0.00%
29 Hillsborough	2,717,363	7,046	385.64	530.14	144.50	1,018,196	37.47%
30 Holmes	0	0	0.00	0.00	0.00	0	0.00%
31 Indian River	826,243	1,953	423.12	1,296.79	873.67	1,706,033	206.48%
32 Jackson	0	0	0.00	57.71	0.00	0	0.00%
33 Jefferson	0	0	0.00	846.90	0.00	0	0.00%
34 Lafayette	0	0	0.00	300.09	0.00	0	0.00%
35 Lake	658,126	1,717	383.21	659.93	276.72	475,242	72.21%
36 Lee	4,067,184	10,275	395.83	1,170.94	775.11	7,964,224	195.82%
37 Leon	412,232	1,136	362.91	710.72	347.81	395,081	95.84%
38 Levy	75,658	202	375.47	517.14	141.67	28,547	37.73%
39 Liberty	0	0	0.00	284.43	0.00	0	0.00%
40 Madison	0	0	0.00	394.31	0.00	0	0.00%
41 Manatee	1,326,010	3,245	408.68	933.34	524.66	1,702,307	128.38%
42 Marion	94,189	263	358.32	599.07	240.75	63,284	67.19%
43 Martin	118,460	247	480.55	1,518.20	1,037.65	255,791	215.93%
44 Monroe	70,832	189	375.77	1,298.15	922.38	173,869	245.47%
45 Nassau	0	0	0.00	774.52	0.00	0	0.00%
46 Okaloosa	631,098	1,410	447.68	791.99	344.31	485,374	76.91%
47 Okeechobee	0	0	0.00	358.54	0.00	0	0.00%
48 Orange	2,340,718	5,449	429.56	740.30	310.74	1,693,244	72.34%
49 Osceola	1,939,236	5,094	380.72	539.04	158.32	806,424	41.58%
50 Palm Beach	2,779,130	6,694	415.14	1,159.76	744.62	4,984,799	179.37%
51 Pasco	721,941	1,995	361.83	519.21	157.38	314,011	43.50%
52 Pinellas	670,541	1,652	405.92	907.05	501.13	827,812	123.45%
53 Polk	1,342,169	3,561	376.86	431.35	54.49	194,061	14.46%
54 Putnam	64,801	196	330.62	519.09	188.47	36,940	57.01%
55 St. Johns	54,358	148	368.53	882.44	513.91	75,802	139.45%
56 St. Lucie	445,975	1,289	345.87	638.56	292.69	377,406	84.62%
57 Santa Rosa	43,803	84	519.92	454.18	(65.74)	(5,539)	-12.65%
58 Sarasota	1,877,083	4,675	401.53	1,705.69	1,304.16	6,096,778	324.80%
59 Seminole	241,363	675	357.60	611.19	253.59	171,161	70.91%
60 Sumter	907,609	2,242	404.74	2,068.03	1,663.29	3,729,811	410.95%
61 Suwannee	0	0	0.00	398.10	0.00	0	0.00%
62 Taylor	0	0	0.00	656.23	0.00	0	0.00%
63 Union	0	0	0.00	167.24	0.00	0	0.00%
64 Volusia	308,952	718	430.03	668.89	238.86	171,607	55.54%
65 Wakulla	51,034	133	383.08	362.43	(20.65)	(2,751)	-5.39%
66 Walton	113,724	258	440.64	1,633.37	1,192.73	307,832	270.68%
67 Washington	0	0	0.00	392.41	0.00	0	0.00%
68 Washington Special	0	0	0.00	0.00	0.00	0	0.00%
69 FAMU Lab School	0	0	0.00	0.00	0.00	0	0.00%
70 FAU - Palm Beach	0	0	0.00	0.00	0.00	0	0.00%
71 FAU - St. Lucie	0	0	0.00	0.00	0.00	0	0.00%
72 FSU Lab - Broward	250,747	679	369.29	0.00	0.00	0	0.00%
73 FSU Lab - Leon	782,094	1,696	461.07	0.00	0.00	0	0.00%
74 UF Lab School	0	0	0.00	0.00	0.00	0	0.00%
75 Virtual School	0	0	0.00	0.00	0.00	0	0.00%
Total	55,209,106	137,524	401.45	803.39	401.94	70,531,245	127.75%

1. Calculation is based on qualifying charter schools as of September 2012.

# TAB F

**Comparison of Expenditure Policies of  
Local Capital Improvement Funds and  
Charter School Capital Outlay Funds**

Office of Funding and Financial Reporting  
 Comparison of Expenditure Policies  
 School District Local Capital Improvement and Charter School Capital Outlay  
 July 30, 2012

School Districts, Section 1011.71(2) and (5), F.S.	Charter Schools, Section 1013.62(2), F.S.
<p>A school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:</p> <p>New construction and remodeling projects                      Sites and site improvement or expansion to new and existing sites, auxiliary, athletic, or ancillary facilities</p> <p>Maintenance, renovation, and repair of existing school plants, or of leased facilities to correct deficiencies pursuant to s. 1013.15(2)</p> <p>Purchase, lease-purchase, or lease of:</p> <ul style="list-style-type: none"> <li>- new and replacement equipment and computer hardware</li> <li>- enterprise resource software applications classified as capital assets</li> <li>- driver's education vehicles</li> <li>- vehicles used for maintenance or operation of plants and equipment</li> <li>- security vehicles</li> <li>- vehicles used in storing or distributing materials and equipment</li> <li>- school buses</li> </ul>	<p>A charter school's governing body may use charter school capital outlay funds for the following purposes:</p> <p>Construction of school facilities                      Purchase of real property</p> <p>Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer</p> <p>Purchase, lease-purchase, or lease of:</p> <ul style="list-style-type: none"> <li>- new and replacement equipment</li> <li>- enterprise resource software applications classified as capital assets</li> <li>- driver's education vehicles</li> <li>- vehicles used for maintenance or operation of plants and equipment</li> <li>- security vehicles</li> <li>- vehicles used in storing or distributing materials and equipment</li> </ul>
<p>Payment of the cost of school buses when contracting with a private entity for student transportation services.</p>	<p>Purchase of vehicles to transport students to and from the charter school.</p>
<p>Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites or of renting or leasing buildings or space within existing buildings.</p>	<p>Purchase, lease-purchase, or lease of permanent or relocatable school facilities.</p>
<p>Payments for educational facilities and sites due under a lease-purchase agreement not exceeding an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection.</p>	<p>Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.</p>
<p>Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants.</p>	<p>Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.</p>
<p>Payment of loans for capital outlay purposes approved pursuant to s. 1011.14, F.S. and to eliminate a safety hazard that constitutes immediate danger to the students pursuant to s. 1011.15, F.S.</p>	<p>Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20), F.S., for renovation, repair, and maintenance of school facilities that are owned by the sponsor.</p>
<p>Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing facilities</p>	
<p>Payment of the cost of the opening day collection for the library media center of a new school.</p>	



# TAB G

## Historical School District Millage Data

Florida Department of Education  
HISTORICAL SCHOOL DISTRICT MILLAGE DATA

	-1- RLE (Certified) s. 1011.62(4), F.S.	-2- RLE Prior Period Adjustment s. 1011.62(4)(e), F.S.	-3- Discretionary Operating s. 1011.71(1), F.S.	-4- Discretionary (Equalization or Supplemental) s. 1011.62(4)(c) F.S.	-5- Critical Operating s. 1011.71(3)(b), F.S.	-6- Voted Additional Operating 4 Years s. 1011.73(2), F.S.	-7- Discretionary Capital Improvement s. 1011.71(2), F.S.	-8- Discretionary Capital Outlay s. 1011.71(3)(a), F.S.	-9- Critical Capital Outlay s. 1011.71(3)(b), F.S.
1990-91	5.8640	N/A	0.7190	0.3000	N/A	YES	2.0000	N/A	N/A
1991-92	6.4640	N/A	0.5100	N/A	N/A	YES	2.0000	N/A	N/A
1992-93	6.5870	N/A	0.5100	N/A	N/A	YES	2.0000	N/A	N/A
1993-94	6.6380	N/A	0.5100	N/A	N/A	YES	2.0000	N/A	N/A
1994-95	6.7250	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
1995-96	6.6780	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
1996-97	6.6220	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
1997-98	6.5290	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
1998-99	6.5090	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
1999-00	6.0350	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2000-01	5.9400	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2001-02	5.8000	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2002-03	5.8080	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2003-04	5.6790	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2004-05	5.4720	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2005-06	5.2390	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2006-07	5.0100	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2007-08	4.8430	N/A	0.5100	0.2500	N/A	YES	2.0000	N/A	N/A
2008-09	5.1360	N/A	0.4980	0.2500	N/A	YES	1.7500	N/A	N/A
2009-10	5.2880	YES	0.7480	N/A	0.2500	YES	1.5000	0.2500	0.2500
2010-11	5.3800	YES	0.7480	N/A	0.2500	YES	1.5000	0.2500	0.2500
2011-12	5.4460	YES	0.7480	N/A	0.2500	YES	1.5000	0.2500	0.2500
2012-13	5.2950	YES	0.7480	N/A	0.2500	YES	1.5000	0.2500	0.2500

The combined total of millages listed above may not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Voted debt service millage for capital outlay bond referendums and voted millage authorized not to exceed 2 years are not included in the 10-mill constitutional limit.

**NOTES:**

- 1.) In 2005-06, the 0.25 mills discretionary (column #4 above) maximum revenue per K-12 FTE student that could be generated by this millage increased from \$50 to \$100.
- 2.) a. In 2008-09, the discretionary operating millage (column #3 above) decreased from 0.510 mills to 0.498 mills;  
b. The discretionary capital improvement millage (column #7 above) decreased by 0.25 mills, from 2.00 mills to 1.75 mills; and  
c. The Legislature projected an increase in RLE (column #1 above) of .189 mills.
- 3.) a. In 2009-10, the prior period funding adjustment millage (column #2 above) was created to be levied if the prior period unrealized required local effort funds were greater than zero;  
b. The 0.25 discretionary millage (column #4 above) was deleted and the discretionary operating millage (column #3 above) was increased 0.25 mills, from 0.498 mills to 0.748 mills;  
c. The discretionary capital improvement millage (column #7 above) was decreased by 0.25 mills, from 1.75 mills to 1.50 mills;  
d. The Legislature projected an increase in RLE (column #1 above) of 0.178 mills;  
e. The discretionary capital outlay millage of 0.25 mills (column #8 above) was authorized, in lieu of levying an equivalent amount in discretionary operating millage (column #3 above), for districts that do not have sufficient funds to pay lease agreements entered into before June 30, 2009; and  
f. Authority was provided to levy 0.25 mills in critical operating (column #5 above) or critical capital outlay (column #9 above) through super-majority vote of the school board.
- 4.) a. In 2011-12, the 0.25 critical operating (column #5 above) and the 0.25 critical capital outlay (column #9 above) millages require voter approval through a referendum, in addition to school board super-majority vote.  
b. The 0.25 critical operating (column #5 above) and 0.25 critical capital outlay (column #9 above) millages sunset after the 2012-13 fiscal year.

# TAB H

## Historical School District Taxable Value

Florida Department of Education  
HISTORICAL SCHOOL DISTRICT TAXABLE VALUE

	Taxable Value	Increase/Decrease	% Increase/Decrease
	-1-	-2-	-3-
1990-91	449,979,198,538	-	-
1991-92	475,960,538,489	25,981,339,951	5.77%
1992-93	479,892,428,547	3,931,890,058	0.83%
1993-94	488,458,003,713	8,565,575,166	1.78%
1994-95	511,789,104,422	23,331,100,709	4.78%
1995-96	535,588,385,303	23,799,280,881	4.65%
1996-97	559,519,989,018	23,931,603,715	4.47%
1997-98	592,847,936,472	33,327,947,454	5.96%
1998-99	630,165,205,864	37,317,269,392	6.29%
1999-00	674,898,325,364	44,733,119,500	7.10%
2000-01	729,584,487,749	54,686,162,385	8.10%
2001-02	805,016,872,212	75,432,384,463	10.34%
2002-03	885,304,012,717	80,287,140,505	9.97%
2003-04	985,486,233,073	100,182,220,356	11.32%
2004-05	1,110,955,654,200	125,469,421,127	12.73%
2005-06	1,315,213,529,382	204,257,875,182	18.39%
2006-07	1,639,794,464,308	324,580,934,926	24.68%
2007-08	1,822,713,880,796	182,919,416,488	11.16%
2008-09	1,814,378,625,064	(8,335,255,732)	(0.46%)
2009-10	1,622,946,057,603	(191,432,567,461)	(10.55%)
2010-11	1,445,620,545,163	(177,325,512,440)	(10.93%)
2011-12	1,385,846,696,347	(59,773,848,816)	(4.13%)
2012-13	1,335,847,393,896	(49,999,302,451)	(3.61%)

# TAB I

## Capital Improvement Millage Revenue Historical Comparison

Florida Department of Education

Capital Improvement Millage Revenue Historical Comparison

	2006-07	2007-08	2008-09 <sup>1</sup>	2009-10 <sup>2</sup>	2010-11	2011-12
	-1-	-2-	-3-	-4-	-5-	-6-
1 Max Potential Capital Improvement Revenue at 2.0 Mills	3,115,609,482	3,463,156,374	3,447,319,388	3,083,597,509	2,775,591,447	2,660,825,657
2 Authorized Maximum Capital Improvement Millage Levy by Year	2.00	2.00	1.75	1.50	1.50	1.50
3 Max Potential Capital Improvement Revenue at Law	3,115,609,482	3,463,156,374	3,016,404,464	2,312,698,132	2,081,693,585	1,995,619,243
4 Actual Capital Improvement Revenue	2,977,049,731	3,298,136,250	2,910,027,083	2,241,821,879	1,989,854,873	1,938,258,610
5 Difference between Potential Law and 2.0 Mills Revenue (Row 3 - Row 1)	0	0	(430,914,924)	(770,899,377)	(693,897,862)	(665,206,414)
6 Percent of Potential 2.0 Mills Revenue (Row 5/Row 1)	0.00%	0.00%	-12.50%	-25.00%	-25.00%	-25.00%

1. In 2008-09, 0.189 mills was shifted to operating as the equivalent amount of revenue generated by the shift of 0.25 in potential millage from capital improvement. This shift generated approximately \$325,771,682 in operating revenue.

2. In 2009-10, 0.178 mills was shifted to operating as the equivalent amount of revenue generated by the shift of an additional 0.25 in potential millage from capital improvement. This shift generated approximately \$274,440,178 in operating revenue.

# TAB J

**Historical Full-Time Equivalent (FTE)  
Students**

Florida Department of Education  
HISTORICAL FULL-TIME EQUIVALENT (FTE) STUDENTS

	-1-		-2-		-3-		-4-		-5-		-6-		-7-		-8-		-9-	
	Traditional School Capital Outlay FTE	Growth/Decline	% Growth/Decline	Traditional School FTE	Growth/Decline	% Growth/Decline	Traditional School FTE	Growth/Decline	% Growth/Decline	Charter School FTE	Growth/Decline	% Growth/Decline	Charter School FTE	Growth/Decline	% Growth/Decline			
1990-91 <sup>1</sup>	1,841,567.00	-	-	1,840,923.40	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1991-92 <sup>1</sup>	1,901,237.00	59,670.00	3.24%	1,904,416.69	63,493.29	3.45%	-	-	-	-	-	-	-	-	-	-	-	-
1992-93 <sup>1</sup>	1,950,247.00	49,010.00	2.58%	1,950,050.25	45,633.56	2.40%	-	-	-	-	-	-	-	-	-	-	-	-
1993-94 <sup>1</sup>	1,994,036.00	43,789.00	2.25%	2,007,381.96	57,331.71	2.94%	-	-	-	-	-	-	-	-	-	-	-	-
1994-95 <sup>1</sup>	2,051,010.00	56,974.00	2.86%	2,067,204.82	59,822.86	2.98%	-	-	-	-	-	-	-	-	-	-	-	-
1995-96 <sup>1</sup>	2,111,891.00	60,881.00	2.97%	2,127,988.00	60,783.18	2.94%	-	-	-	-	-	-	-	-	-	-	-	-
1996-97 <sup>1</sup>	2,173,058.00	61,167.00	2.90%	2,190,505.93	62,517.93	2.94%	-	-	-	574.00	-	-	574.00	-	-	-	-	-
1997-98	2,218,234.00	45,176.00	2.08%	2,239,697.08	49,191.15	2.25%	-	-	-	2,799.00	-	-	2,799.00	-	-	2,225.00	-	387.63%
1998-99	2,250,234.00	32,000.00	1.44%	2,277,528.94	37,831.86	1.69%	-	-	-	9,135.00	-	-	9,135.00	-	-	6,336.00	-	226.37%
1999-00	2,284,547.00	34,313.00	1.52%	2,311,214.20	33,685.26	1.48%	-	-	-	17,636.88	-	-	17,636.88	-	-	8,501.88	-	93.07%
2000-01	2,331,854.00	47,307.00	2.07%	2,362,036.95	50,822.75	2.20%	-	-	-	26,718.85	-	-	26,718.85	-	-	9,081.97	-	51.49%
2001-02	2,382,713.00	50,859.00	2.18%	2,412,926.63	50,889.68	2.15%	-	-	-	40,623.08	-	-	40,623.08	-	-	13,904.23	-	52.04%
2002-03	2,413,312.11	30,599.11	1.28%	2,446,325.32	33,398.69	1.38%	-	-	-	51,642.19	-	-	51,642.19	-	-	11,019.11	-	27.13%
2003-04 <sup>2</sup>	2,451,190.00	37,877.89	1.57%	2,490,138.10	43,812.78	1.79%	-	-	-	67,300.34	-	-	67,300.34	-	-	15,658.15	-	30.32%
2004-05	2,491,403.00	40,213.00	1.64%	2,527,134.11	36,996.01	1.49%	-	-	-	82,459.83	-	-	82,459.83	-	-	15,159.49	-	22.53%
2005-06	2,505,584.00	14,181.00	0.57%	2,549,632.10	22,497.99	0.89%	-	-	-	91,489.19	-	-	91,489.19	-	-	9,029.36	-	10.95%
2006-07	2,493,102.55	(12,481.45)	(0.50%)	2,539,592.65	(10,039.45)	(0.39%)	-	-	-	98,738.45	-	-	98,738.45	-	-	7,249.26	-	7.92%
2007-08	2,472,545.08	(20,557.47)	(0.82%)	2,526,896.14	(12,696.51)	(0.50%)	-	-	-	104,380.96	-	-	104,380.96	-	-	5,642.51	-	5.71%
2008-09	2,443,092.70	(29,452.38)	(1.19%)	2,499,850.55	(27,045.59)	(1.07%)	-	-	-	117,520.97	-	-	117,520.97	-	-	13,140.01	-	12.59%
2009-10	2,433,028.92	(10,063.78)	(0.41%)	2,492,127.86	(7,722.69)	(0.31%)	-	-	-	137,199.49	-	-	137,199.49	-	-	19,678.52	-	16.74%
2010-11	2,421,219.86	(11,809.06)	(0.49%)	2,488,001.56	(4,126.30)	(0.17%)	-	-	-	154,509.22	-	-	154,509.22	-	-	17,309.73	-	12.62%
2011-12	2,412,585.59	(8,634.27)	(0.36%)	2,488,207.17	205.61	0.01%	-	-	-	179,716.56	-	-	179,716.56	-	-	25,207.34	-	16.31%
2012-13 <sup>3</sup>	2,401,177.02	(11,408.57)	(0.47%)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

NOTES:

- 1) Capital Outlay FTE for fiscal years 1990-91 through 1996-97 includes adult education Capital Outlay FTE.
- 2) Fiscal year 2003-04 was the first year virtual school FTE was included in traditional school FTE. Virtual school FTE is included in traditional school FTE for all years following 2003-04.
- 3) Includes Capital Outlay FTE from the Education Estimating Conference. The Florida Education Finance Program Conference Report reported 2,694,617.29 FTE for fiscal year 2012-13, which is a combination of traditional school and charter school FTE.



# TAB K

## Historical Certificates of Participation Payable



Florida Department of Education

HISTORICAL CERTIFICATES OF PARTICIPATION PAYABLE - ACCOUNT 234C

District	2006-07 -15-	2007-08 -16-	2008-09 -17-	2009-10 -18-	2010-11 -19-
1 Alachua	\$78,761,000	\$75,986,000	\$73,161,000	\$70,116,000	\$65,668,400
2 Baker	9,256,687	8,790,020	8,323,353	7,856,687	7,390,020
3 Bay	107,170,000	104,245,000	101,433,000	98,156,000	95,684,000
4 Bradford	0	0	0	0	0
5 Brevard	517,403,000	562,518,000	551,158,000	538,713,000	525,718,000
6 Broward	1,637,555,868	1,903,178,973	1,980,665,105	1,921,583,000	1,907,842,000
7 Calhoun	0	0	0	0	0
8 Charlotte	0	0	0	11,945,000	65,000,000
9 Citrus	60,741,086	58,994,057	68,007,028	65,790,000	44,855,000
10 Clay	474,198,106	533,339,277	533,897,533	513,665,788	483,707,000
11 Collier	2,068,897,629	2,574,829,827	2,826,183,399	2,967,739,421	2,994,934,000
12 Columbia	0	25,125,000	24,505,000	23,860,000	23,190,000
13 Dade	0	0	0	0	4,894,189
14 Desoto	0	0	0	0	0
15 Dixie	0	0	0	0	0
16 Duval	122,503,098	268,052,482	227,671,003	290,880,101	339,261,000
17 Escambia	55,463,867	52,920,048	50,840,714	47,513,838	44,623,988
18 Flagler	84,195,000	81,880,000	79,475,000	76,975,000	74,375,000
19 Franklin	0	0	0	0	0
20 Gadsden	0	0	0	0	0
21 Gilchrist	0	0	0	0	0
22 Glades	0	0	0	0	0
23 Gulf	0	0	0	0	0
24 Hamilton	0	0	0	0	0
25 Hardee	0	0	0	0	0
26 Hendry	3,068,200	3,068,200	3,068,200	3,068,200	3,068,200
27 Hernando	150,380,296	147,479,571	144,378,846	141,343,121	135,305,000
28 Highlands	71,455,000	69,045,000	66,540,000	63,940,000	61,240,000
29 Hillsborough	976,356,584	956,791,499	934,678,294	910,361,342	825,971,000
30 Holmes	0	0	0	0	0
31 Indian River	77,970,996	119,427,516	115,151,530	110,720,543	131,346,000
32 Jackson	0	0	0	0	0
33 Jefferson	0	0	0	0	0
34 Lafayette	0	0	0	0	0
35 Lake	325,585,000	317,115,000	319,313,036	298,050,000	287,360,000
36 Lee	580,514,652	557,658,192	533,914,940	508,946,484	505,866,000
37 Leon	94,415,088	96,936,205	108,717,321	104,411,438	150,965,240
38 Levy	8,370,000	8,030,000	7,680,000	7,320,000	6,945,000
39 Liberty	0	0	0	0	0
40 Madison	0	0	0	0	0
41 Manatee	153,488,283	147,030,840	185,192,485	176,215,935	225,898,455
42 Marion	172,380,000	164,625,000	159,603,687	149,038,898	139,570,000
43 Martin	40,790,000	39,810,000	38,795,000	37,745,000	36,660,000
44 Monroe	22,167,000	20,632,000	18,852,000	18,852,000	51,307,000
45 Nassau	0	0	0	0	1,428,581
46 Okaloosa	83,690,000	79,315,000	74,505,000	69,520,000	64,350,000
47 Okeechobee	0	0	0	0	0
48 Orange	1,455,271,255	1,326,317,514	1,481,725,524	1,464,782,156	1,389,820,702
49 Osceola	188,836,531	183,202,405	177,228,279	211,997,778	210,340,000
50 Palm Beach	1,901,053,634	2,000,023,634	1,965,560,904	1,945,910,780	1,895,708,000
51 Pasco	222,565,627	376,623,536	366,336,622	371,141,698	359,397,620
52 Pinellas	0	0	0	0	0
53 Polk	231,016,000	223,700,142	217,445,901	233,108,287	247,862,000
54 Putnam	0	0	0	0	0
55 St. Johns	156,950,000	148,040,000	138,795,000	129,210,000	135,270,000
56 St. Lucie	219,295,864	214,397,434	209,339,204	216,162,974	221,309,000
57 Santa Rosa	35,345,000	35,078,572	33,789,207	45,414,842	43,005,000
58 Sarasota	69,320,947	55,758,961	117,573,632	99,564,572	200,206,001
59 Seminole	243,285,000	230,330,000	237,470,000	230,464,914	213,040,000
60 Sumter	35,010,000	34,105,000	33,200,000	32,260,000	31,285,000
61 Suwannee	2,109,275	2,109,275	2,109,275	2,109,275	2,109,275
62 Taylor	0	0	0	0	0
63 Union	388,380,000	381,045,000	373,375,000	316,770,000	307,940,000
64 Volusia	0	0	0	0	0
65 Wakulla	0	0	0	0	0
66 Walton	19,423,671	18,096,031	16,708,821	15,262,061	22,785,000
67 Washington	0	0	0	0	0
TOTAL	\$13,194,639,045	\$14,225,450,210	\$14,606,387,853	\$14,582,751,134	\$14,769,270,651

# TAB L

## Facilities Funding by State

### Facilities Funding by State

	Does the state provide facilities funds or other facilities assistance to charter schools?
Alabama	
Alaska	No. However, charter schools may operate in a vacant school district facility or any other facility if the local superintendent determines that it meets health and safety requirements. Also, charter schools are eligible through their local municipalities to access tax-exempt financing through the Alaska Municipal Bond Bank Authority.
American Samoa	
Arizona	Yes. Charter schools receive a per-pupil allocation called "additional assistance." These monies can be used for anything from teacher salaries to transportation to facility construction. The amount of additional assistance is currently \$1,405 per pupil in grades K-8 and \$1,644 per pupil in grades 9-12. Non-profit charter schools may apply for bond financing from industrial development authorities. The state department of education must annually publish a list of vacant and unused portions of buildings that are owned by the state or by school districts and that may be suitable for the operation of a charter school. Although authorizing legislation for a charter school stimulus fund remains in place, it is currently not funded.
Arkansas	Yes. An open enrollment charter school must have a right of first refusal to purchase or lease, at fair market value, a closed public school facility or unused portions of a public school facility located in a public school district from which it draws its students, if the public school district decides to sell or lease the public school facility. However, a public school district is exempt from these provisions if, through an open bid process, it receives and accepts an offer to lease or purchase the property from a purchaser other than the open-enrollment charter school for an amount that exceeds the fair market value.
California	<p>Yes. There are multiple sources of somewhat limited funding for facilities:</p> <ul style="list-style-type: none"> <li>• The state may reimburse charter schools serving 70% or more pupils that qualify for free or reduced price meals up to \$750,000 per unit of average daily attendance but not more than 75% of the annual facilities rent or lease costs for the charter school.</li> <li>• The charter schools revolving loan fund allows charter schools to receive loans for as much as \$250,000, allowing up to 5 years for repayment.</li> <li>• The charter schools facilities program authorizes the state allocation board to provide per pupil facilities grant funding for 50% of the total project cost for new construction of charter school facilities.</li> <li>• The state created a fund for charter school facility</li> </ul>

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	<p>development; however, only a limited amount of funds have been allocated to build facilities.</p> <ul style="list-style-type: none"> <li>• Each school district is required to make available to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of its in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.</li> <li>• Charter schools are eligible to access tax-exempt financing through the California Municipal Finance Authority.</li> <li>• Charter schools have access to tax-exempt bond financing for their facilities needs through the California Statewide Communities Development Authority.</li> </ul>
Colorado	<p>Yes. For fiscal year 2009, \$5 million in capital construction funds were appropriated and provided to qualified charter schools on a per pupil basis. If space is available in a school district facility, a charter school may not be charged for that space, although other costs for facilities operations and maintenance must be negotiated between the charter school and the school district. The Educational and Cultural Facility Authority (ECFA) may issue bonds on behalf of charter schools. The charter school debt reserve fund, supported by the moral obligation pledge of the state to support up to \$400 million in debt, enhances charter schools' ability to borrow funds from ECFA and to obtain more favorable rates. School districts are required to invite charter schools to discuss their capital construction needs prior to submitting a request to the voters or floating a bond for facilities funding, although the district is not required to include the charter schools as part of their requests or bonds.</p>
Connecticut	<p>Yes. For the 2-year budget cycle starting on July 1, 2006, the state provided \$10 million in bond financing to cover facilities costs at existing charter schools, disbursed through a competitive application process. For the 2-year budget cycle starting on July 1, 2008, the state provided an additional \$10 million in bond financing to cover facilities costs at existing charter schools, disbursed through a competitive application process. Also, charter schools may apply for low-interest loans from the Connecticut Health and Educational Facilities Authority.</p>
Delaware	<p>Yes. Charter schools are eligible to access tax-exempt industrial development revenue bonds through the Delaware Economic Development Authority. School districts must make unused buildings or space in buildings available for charter schools and must bargain in good faith over the cost of rent, services and maintenance related to such space. In addition, the state department of education and state department of administrative services must publish a list of all vacant and unused buildings and portions of buildings owned by the state or school districts that may be suitable for charter schools.</p>
District of Columbia	<p>Yes:</p> <ul style="list-style-type: none"> <li>• The per-pupil facilities aid program provides an amount based on a 5 year moving average of capital funds</li> </ul>

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	<p>available to the school system (in 2007, the allowance was \$2,810 per pupil).</p> <ul style="list-style-type: none"> <li>• The City Build Charter School Initiative promotes community revitalization with a particular emphasis on strengthening public charter schools. Most of the grants from this program have been allocated for facilities and expansion projects (the fiscal year 2007 D.C. Appropriations Act included \$3.5 million for the program).</li> <li>• The Public Charter School Credit Enhancement Fund provides credit enhancement for the purchase, construction, and/or renovation of facilities for charter schools. The program offers guarantees or collateral pledges of up to \$1 million for 2 to 5 years.</li> <li>• The District of Columbia's Direct Loan Fund for Charter School Improvement provides flexible loan capital for the construction, purchase, renovation and maintenance of charter school facilities. Loans are capped at \$2 million per school (in 2007, \$6 million in federal appropriations was earmarked for this initiative).</li> <li>• The mayor and the D.C. government must give preference to charter schools with respect to the purchase, lease or contract for the use of certain public facilities or properties.</li> <li>• Charter schools may access tax-exempt bonds through D.C.'s Revenue Bond Program.</li> </ul>
Florida	<p>Yes. For fiscal year 2009, the state appropriated \$57 million in capital outlay funds to eligible charter schools on a per-pupil basis. If a school district surplus facility or property is available, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the school district. For an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. Charter schools are eligible through their counties or municipalities to access tax-exempt industrial development revenue bonds through the Florida Industrial Development Financing Act. The state also provides an exemption from ad valorem taxes for facilities used to house charter schools.</p>
Georgia	<p>Yes. The state has a per-pupil, needs-based capital-funding program that is distributed through a competitive grant process (\$2.2 million was appropriated for the 2008-09 school year). The state requires districts to make surplus facilities available to charter schools "on the same basis" as they make such facilities available to traditional schools. Charter schools have access to tax-exempt debt through county development authorities. In addition, the state board of education may require a local referendum in a local school system in which a charter school approved by the state board of education through an appeal process (i.e., a state chartered special school) will be located. Such referendum is held for the purpose of deciding whether the local school board must provide funds from school tax levies to support the state chartered special school, or incur bonded indebtedness or both.</p>
Hawaii	<p>Yes. The state department of education must make available</p>

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	vacant school facilities or portions of school facilities for use by charter schools.
Idaho	Yes. The state's charter school law authorizes a charter school's board of directors to borrow money as a nonprofit corporation to finance the purchase of school building facilities. Subject to the terms of such a contractual agreement, the board may use the facility as collateral for the loan.
Illinois	Yes. A charter school may negotiate and contract with a school district, the governing body of a state college or university or public community college or any other public for-profit or nonprofit private entity for the use of a school building.
Indiana	Yes. Charter schools located in Indianapolis may obtain facilities financing from the local public improvement bond bank. All other charter schools may obtain financing through the Indiana Bond Bank. Indiana law provides that charter schools have the moral obligation pledge of the city or state to debt issued through these authorities.
Iowa	No
Kansas	No
Kentucky	
Louisiana	Yes. Depending upon legislative appropriations, based on average daily membership in the charter school for the first 5 years of its existence, each start-up charter school must receive for each student an amount equaling the average per student budgeted amount for each of those 5 years by the district in which the charter school is located for facility acquisition and construction services. Also, local school boards must make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase at fair market value.
Maine	
Maryland	No
Massachusetts	Yes. Facilities funding is embedded into the tuition formula for commonwealth charters.
Michigan	No. However, the Michigan Public Educational Facilities Authority provides opportunities for low cost financing and technical assistance through bonding and loan programs.
Minnesota	Yes. State grants are available for facility improvement. The state provides lease aid to charter schools in the amount of 90% of lease costs or \$1,500 per-pupil. With the state department of education's approval, charter schools may lease space from public or private nonprofit, nonsectarian organizations and from sectarian organizations.



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Mississippi	
Missouri	Yes. A school district may incur bonded indebtedness or take other measures to provide for physical facilities for charter schools that it sponsors or with which it contracts.
Montana	
Nebraska	
Nevada	No. However, a charter school may contract with the local school board of the school district in which the charter school is located or the University and Community College System of Nevada for the provision of facilities to operate the charter school. The charter school may also use any public facility in the school district or buildings owned by the school district upon approval of the school board and not during school hours.
New Hampshire	Yes. Charter schools may lease, through the school district, buildings that receive state school building aid.
New Jersey	No. However, the state allows charter schools to use federal funds for facility construction.
New Mexico	Yes. From the Charter School Capital Outlay Fund, state-chartered charter schools may receive grants to assist with a capital project. Also, the school district in which the charter school is located must provide the charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes. A charter school will not be required to pay rent for the school district facilities if the facilities can be provided at no cost to the school district. If facilities are available but cannot be provided at no cost to the school district, the school district may not charge more than the actual direct cost of providing the facilities. A charter school may pay the costs of operation and maintenance of its facilities or may contract with the school district to provide facility operation and maintenance services. Charter school facilities are eligible for state and local capital outlay funds and must be included in the school district's 5-year facilities plan.
New York	<p>Yes. The state must annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a charter school. At the request of a charter school or a prospective applicant, this list, as well as a list of vacant and unused private school buildings, within the school district that may be suitable for the operation of a charter school must be provided. The state defines charter schools as public agents that are eligible to obtain tax-exempt financing on their own.</p> <p>Through the Charter School Stimulus Fund, charters may receive grants for costs associated with the acquisition, renovation or construction of charter school facilities.</p>
North Carolina	Yes. At the request of a charter school, the local school board of the school district in which the charter school is located must lease

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	any available building or land to the charter school unless the board demonstrates that the lease is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs. Also, a local school board may provide a school facility to a charter school free of charge, but the charter school is responsible for the maintenance of and insurance for the school facility. Charter schools may lease space from sectarian organizations so long as sectarian symbols are removed. The North Carolina Educational Facilities Finance Authority may issue bonds on behalf of charter schools.
North Dakota	
Ohio	Yes. Charter schools may use loans guaranteed under the Facilities Loan Guarantee Program for the construction of new school buildings.
Oklahoma	Yes. The Charter School Incentive Fund provides support for costs associated with renovating or remodeling existing buildings and structures for use by a charter school.
Oregon	No. However, the department of education is required to award grants and loans to charter schools or charter school applicants that wish to establish or expand a charter school.
Pennsylvania	Yes. The state department of education calculates an approved reimbursable annual rental charge for leases of buildings or portions of buildings for charter school use which have been approved by the secretary of education on or after July 1, 2001. This charge is the lesser of: (1) The annual rental cost payable under the provisions of the approved lease agreement or (2) The product of the charter facility's enrollment times a legislated dollar amount based on the type of school.
Puerto Rico	No
Rhode Island	Yes. A school district may access aid for reimbursement of school housing costs for school district sponsored charter schools. Charter schools not sponsored by a school district may apply for 30% reimbursement of school housing cost on a need basis.
South Carolina	Yes. The state department of education must make available, upon request, a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by school districts and that may be suitable for the operation of a charter school. If a school district declares a building surplus and chooses to sell or lease the building, a charter school's board of directors or a charter committee operating or applying within the school district must be given the first refusal to purchase or lease the building under the same or superior terms and conditions as it would be offered to the public.
South Dakota	
Tennessee	Yes. The chartering authority may endorse the submission of a

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	qualified zone academy bond application to the local taxing authority, if the project is a qualified project.
Texas	Yes. An approved bonding authority may issue bonds to finance or refinance education facilities to be used by an authorized charter school.
Utah	Yes. The state created the Capital Outlay Loan Program to provide short-term help to school districts to meet district needs for school building construction and renovation, and assistance to charter schools to meet school building construction and renovation needs.
Vermont	
Virginia	Yes. No rent may be charged, and other fees are negotiable.
Washington	
West Virginia	
Wisconsin	No
Wyoming	Yes. If a school district deems it has available space, the charter school may use the space without having to pay rent for it.

# TAB M

**Exceptional Student Education FTE as  
a Percentage of Total Charter School  
and Traditional Public School FTE**

Florida Department of Education

2011-12 Exceptional Student Education (ESE) FTE Percentage for Traditional and Charter School FTE (McKay Excluded)

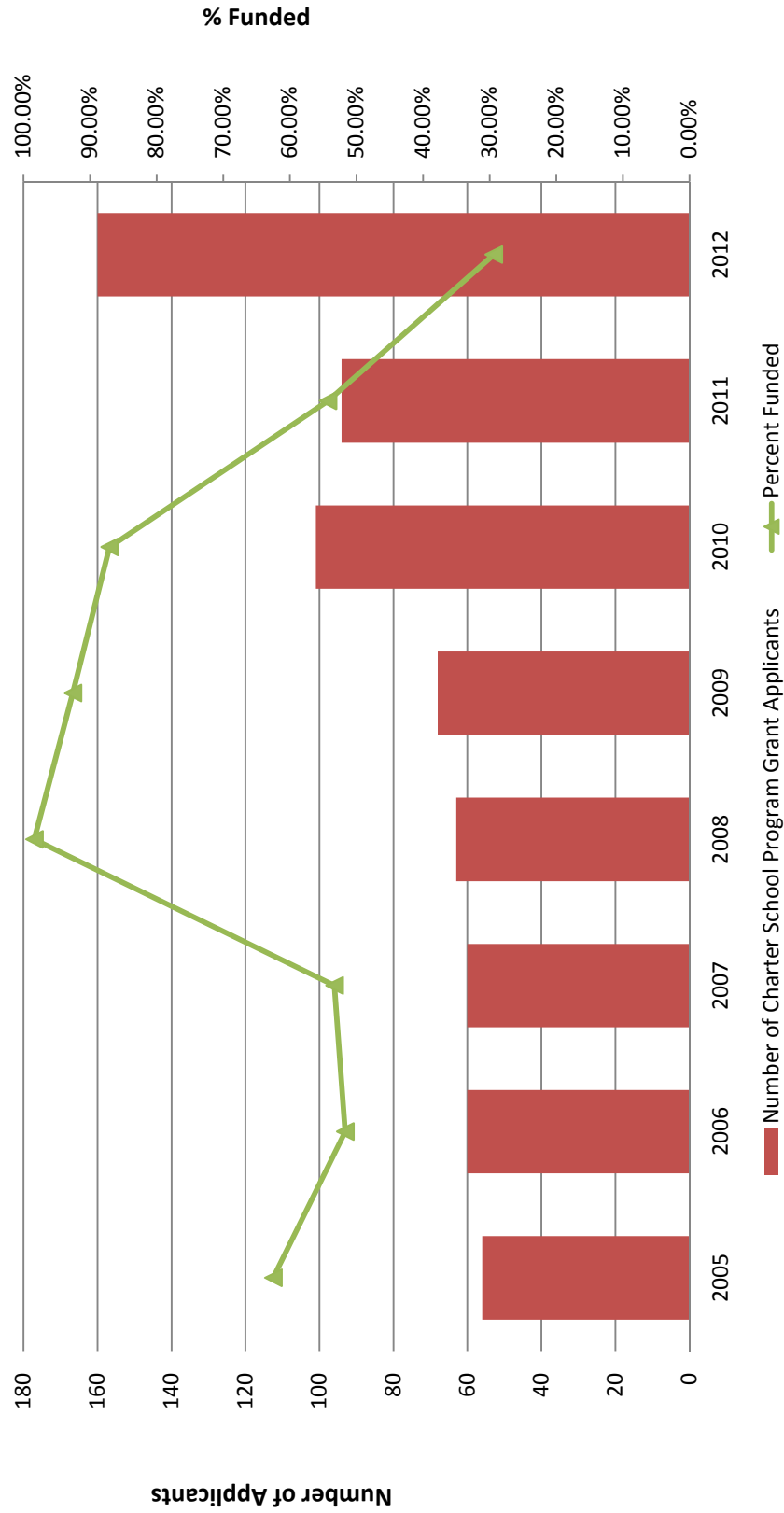
District	Traditional FTE	Traditional ESE FTE	Percent of Total FTE	2011-12 Charter School FTE	Charter ESE FTE	Percent of Total FTE
	-1-	-2-	-3-	-4-	-5-	-6-
1 Alachua	24,797.90	3,687.32	14.87%	1,875.15	296.30	15.80%
2 Baker	4,851.72	521.68	10.75%	0.00	0.00	0.00%
3 Bay	22,927.66	3,916.03	17.08%	2,451.63	229.16	9.35%
4 Bradford	3,127.69	618.93	19.79%	0.00	0.00	0.00%
5 Brevard	67,431.59	10,464.10	15.52%	2,541.10	323.66	12.74%
6 Broward	225,246.88	28,698.54	12.74%	29,727.07	2,161.19	7.27%
7 Calhoun	2,159.72	495.01	22.92%	0.00	0.00	0.00%
8 Charlotte	15,887.13	2,714.70	17.09%	278.30	4.32	1.55%
9 Citrus	15,036.55	1,971.71	13.11%	95.58	0.00	0.00%
10 Clay	35,222.23	6,224.32	17.67%	0.00	0.00	0.00%
11 Collier	41,985.14	5,316.34	12.66%	720.00	80.50	11.18%
12 Columbia	9,560.40	1,532.43	16.03%	0.00	0.00	0.00%
13 Miami-Dade	301,438.80	33,524.95	11.12%	41,992.24	2,223.88	5.30%
14 DeSoto	4,673.13	652.91	13.97%	77.00	12.00	15.58%
15 Dixie	1,952.97	461.56	23.63%	16.00	5.00	31.25%
16 Duval	118,123.19	15,326.54	12.98%	5,199.23	497.13	9.56%
17 Escambia	38,535.38	6,073.31	15.76%	1,338.56	121.41	9.07%
18 Flagler	11,741.09	1,581.94	13.47%	1,062.34	78.09	7.35%
19 Franklin	946.51	180.18	19.04%	312.00	42.00	13.46%
20 Gadsden	5,320.49	667.44	12.54%	284.76	12.26	4.31%
21 Gilchrist	2,513.74	516.85	20.56%	0.00	0.00	0.00%
22 Glades	1,250.04	204.02	16.32%	263.50	50.00	18.98%
23 Gulf	1,884.83	314.56	16.69%	0.00	0.00	0.00%
24 Hamilton	1,580.23	205.50	13.00%	0.00	0.00	0.00%
25 Hardee	5,061.13	625.50	12.36%	0.00	0.00	0.00%
26 Hendry	6,771.80	976.18	14.42%	0.00	0.00	0.00%
27 Hernando	22,259.14	2,643.85	11.88%	118.20	9.76	8.26%
28 Highlands	11,918.85	1,488.87	12.49%	0.00	0.00	0.00%
29 Hillsborough	184,934.07	26,455.03	14.31%	9,405.55	1,367.70	14.54%
30 Holmes	3,218.46	425.41	13.22%	0.00	0.00	0.00%
31 Indian River	15,711.59	2,061.55	13.12%	1,952.72	168.25	8.62%
32 Jackson	6,722.95	996.50	14.82%	0.00	0.00	0.00%
33 Jefferson	1,018.04	170.74	16.77%	0.00	0.00	0.00%
34 Lafayette	1,147.51	145.96	12.72%	0.00	0.00	0.00%
35 Lake	35,535.20	4,501.89	12.67%	4,833.79	460.00	9.52%
36 Lee	71,118.91	10,401.32	14.63%	11,238.07	933.91	8.31%
37 Leon	31,595.91	4,977.94	15.76%	1,135.91	145.41	12.80%
38 Levy	5,341.58	1,158.48	21.69%	201.50	58.87	29.22%
39 Liberty	1,413.45	271.39	19.20%	0.00	0.00	0.00%
40 Madison	2,633.06	529.98	20.13%	0.00	0.00	0.00%
41 Manatee	40,089.88	6,826.61	17.03%	3,629.39	429.09	11.82%
42 Marion	41,043.02	6,312.94	15.38%	436.70	70.37	16.11%
43 Martin	17,635.56	2,697.14	15.29%	246.51	36.16	14.67%
44 Monroe	7,149.04	1,180.92	16.52%	886.35	87.73	9.90%
45 Nassau	11,023.07	1,460.71	13.25%	0.00	0.00	0.00%
46 Okaloosa	27,718.26	3,907.41	14.10%	1,409.70	131.08	9.30%
47 Okeechobee	6,528.93	1,309.95	20.06%	0.00	0.00	0.00%
48 Orange	170,829.81	19,692.96	11.53%	6,399.12	1,261.15	19.71%
49 Osceola	48,076.24	5,769.94	12.00%	5,657.16	448.18	7.92%
50 Palm Beach	163,822.46	22,732.86	13.88%	10,090.18	1,984.59	19.67%
51 Pasco	63,314.39	9,629.03	15.21%	1,995.24	175.61	8.80%
52 Pinellas	97,568.58	12,304.16	12.61%	4,170.18	376.75	9.03%
53 Polk	83,403.92	9,541.12	11.44%	10,996.50	987.26	8.98%
54 Putnam	10,566.19	1,828.58	17.31%	196.00	16.00	8.16%
55 St. Johns	30,972.98	4,226.55	13.65%	260.55	81.54	31.30%
56 St. Lucie	36,649.79	4,261.56	11.63%	1,950.45	125.00	6.41%
57 Santa Rosa	25,120.17	2,971.85	11.83%	102.25	27.50	26.89%
58 Sarasota	35,763.21	5,042.18	14.10%	4,842.37	450.68	9.31%
59 Seminole	62,631.55	7,611.81	12.15%	813.45	82.75	10.17%
60 Sumter	5,310.75	846.21	15.93%	2,242.43	156.45	6.98%
61 Suwannee	5,874.49	665.78	11.33%	0.00	0.00	0.00%
62 Taylor	2,741.52	414.69	15.13%	0.00	0.00	0.00%
63 Union	2,190.30	342.05	15.62%	0.00	0.00	0.00%
64 Volusia	58,940.11	9,084.30	15.41%	2,082.96	279.10	13.40%
65 Wakulla	4,918.89	953.60	19.39%	133.22	13.72	10.30%
66 Walton	7,217.80	684.31	9.48%	263.59	26.42	10.02%
67 Washington	3,406.74	581.95	17.08%	0.00	0.00	0.00%
68 Washington Special	152.36	62.12	40.77%	0.00	0.00	0.00%
69 FAMU Lab School	524.51	10.50	2.00%	0.00	0.00	0.00%
70 FAU - Palm Beach	715.76	55.50	7.75%	0.00	0.00	0.00%
71 FAU - St. Lucie	0.00	0.00	0.00%	1,419.31	151.31	10.66%
72 FSU Lab - Broward	0.00	0.00	0.00%	679.00	121.00	17.82%
73 FSU Lab - Leon	0.00	0.00	0.00%	1,702.25	201.00	11.81%
74 UF Lab School	1,147.06	132.43	11.55%	0.00	0.00	0.00%
75 Virtual School	27,983.01	0.00	0.00%	0.00	0.00	0.00%
Total	2,465,627.01	326,843.17	13.26%	179,725.06	17,001.23	9.46%

# TAB N

## Charter School Startup Funds History



## Number of Charter School Program Grant Applicants and Percent Selected for Funding 2005-2012



Note: The chart above illustrates the number of charter schools that applied for Charter School Program Grants funding and the percent awarded by year.



# TAB 0

**Sources of Revenue Available to  
Charter Schools for Facilities Use**

## Sources of Revenue Available to Charter Schools for Facilities Use

- Unrestricted Florida Education Finance Program (FEFP) Funds
- Charter School Startup Grant Funding
- Charter School Capital Outlay Funding

# TAB P

## Funding and Revenue Sources for Fixed Capital Outlay

























# TAB Q

**Workshop Materials - Charter School  
Capital Outlay**

**Primary Objective:** Create a stable funding source for charter school capital outlay which is not dependent upon annual legislative appropriations and which does not undermine currently available capital outlay funding for non-charter schools.

**Included:**

- Per-student Funding level for charter school capital outlay
  - Adequate to address reasonable capital expenditure requirements
  - Consistent with per-student capital funding available to non-charter school students
  - Avoid financial incentive for new charter school operators to concentrate in or avoid locating in specific districts
- Taxpayer Considerations
  - Do not provide funding for facilities that are not necessary
    - Physical capacity
    - Academic deficiencies
- Accountability
  - Capital funding will only be provided to charter schools that demonstrate successful academic performance



## Chairman's Draft Proposal for a Sustainable Funding Model for Charter School Capital Outlay

September, 2012

### Overview

**What's Included:** This draft amends current statutory provisions which address how Charter School Capital Outlay is funded and how district discretionary school tax is levied.

**What's Not Included:** At its July 26 meeting, Task Force members discussed a number of topics including unmet facility, technology, and transportation infrastructure needs of school districts, maximum class size requirements and penalties for non-compliance, and building code requirements for charter schools and district operated schools that are not addressed in this draft. These items, along with others, are issues the Task Force may ultimately agree to include in its final report. However, due to the complexity of how sustainable funding might be provided for charter school capital needs, it is being discussed in this draft as the primary focus.

### Highlights

#### **Part I – Revisions to s.1013.62, F.S.**

1. Rather than being contingent upon an annual legislative appropriation, each school district will be responsible for providing a calculated annual amount to eligible charter schools for capital outlay needs. Language establishing Tier I and Tier II schools and pro-ration provisions which are followed when the annual legislative appropriation is insufficient to fully fund the statutory formula for charter school capital outlay is deleted.
2. Eligible charter schools – current statutory requirements that a charter school must meet to be eligible to receive charter school capital outlay are retained, and the definition of “satisfactory student achievement” is clarified to mean a letter grade of “C” or better; and for alternative charter schools, a school improvement rating of “Improving” or “Maintaining” . Charter schools which begin operation after the 2012-13 school year must also meet one of the following criteria in order to be entitled to compulsory capital outlay funding from the school district:
  - a. funding is for new student stations which address a deficiency identified in the district’s educational plant survey which is conducted pursuant to s.1013.31, F.S., or
  - b. the charter school is established to replace or assume the operation of a chronically low-achieving school pursuant to s.1008.33 (3)(b), F.S., in a facility which is not provided or maintained by the school district.
  - c. once a charter school is determined eligible to receive compulsory charter school capital outlay funding, it remains eligible as long as its charter remains in effect or is renewed.
3. A charter school may appeal a determination by the school district that it is not entitled to receive compulsory capital outlay funding to the State Board of Education.
4. The compulsory charter school capital outlay funding for an eligible charter school shall be the lesser of one- thirtieth of the cost per student station pursuant to s.1013.64(6)(b), or the

district's prior year maximum potential discretionary capital outlay millage revenue pursuant to s.1011.71(2) divided by the district's prior year full-time equivalent capital outlay enrollment.

5. The eligible purposes for which a charter school may use these capital outlay funds is not changed.
6. Any unspent capital outlay funds which were provided to a charter school by a school district, and all equipment and property purchased with district funds shall revert to the ownership of the district school board when a charter school is non-renewed or terminated.

### **Part II – Funding**

Source of Funds – s.1011.71(7), F.S., is created to give each district school board the discretion to levy up to 0.15 mills to fund compulsory capital outlay payments to entitled charter schools, with the exception of charter school student stations which begin operation after the 2012-13 fiscal year and do not address deficiencies identified in the district's educational plant survey.

The additional levy is limited for this specific purpose. Only the amount required to make compulsory payments can be levied.

The maximum proposed increase in discretionary local millage is equal to the reduction in the statewide average required local effort (RLE) millage rate which was certified by the Commissioner of Education on July, 18, 2012 pursuant to s.1011.62(4)(a)(1), F.S. The Task Force may wish to recommend a further decrease in the RLE millage rate to offset the maximum potential increase in discretionary local millage proposed in this draft. Such a recommendation could be coupled with a commensurate offsetting increase in state funds in the FEFP.

1 1002.33 Charter schools.—

2 8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

3 (a) The sponsor may choose not to renew or may terminate the charter for any of the following grounds:

4 1. Failure to participate in the state’s education accountability system created in s. [1008.31](#), as required in  
5 this section, or failure to meet the requirements for student performance stated in the charter.

6 2. Failure to meet generally accepted standards of fiscal management.

7 3. Violation of law.

8 4. Other good cause shown.

9 (b) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing board  
10 of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for  
11 the proposed action and stipulate that the school’s governing board may, within 14 calendar days after  
12 receiving the notice, request a hearing. The hearing shall be conducted at the sponsor’s election in  
13 accordance with one of the following procedures:

14 1. A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The  
15 hearing shall be conducted in accordance with ss. [120.569](#) and [120.57](#). The sponsor shall decide upon  
16 nonrenewal or termination by a majority vote. The sponsor’s decision shall be a final order; or

17 2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings.  
18 The hearing shall be conducted within 60 days after receipt of the request for a hearing and in accordance  
19 with chapter 120. The administrative law judge’s recommended order shall be submitted to the sponsor. A  
20 majority vote by the sponsor shall be required to adopt or modify the administrative law judge’s  
21 recommended order. The sponsor shall issue a final order.

22 (c) The final order shall state the specific reasons for the sponsor’s decision. The sponsor shall provide its  
23 final order to the charter school’s governing board and the Department of Education no later than 10  
24 calendar days after its issuance. The charter school’s governing board may, within 30 calendar days after  
25 receiving the sponsor’s final order, appeal the decision pursuant to s. [120.68](#).

26 (d) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and  
27 circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the  
28 charter school’s students exists. The sponsor’s determination is subject to the procedures set forth in  
29 paragraphs (b) and (c), except that the hearing may take place after the charter has been terminated. The

30 sponsor shall notify in writing the charter school's governing board, the charter school principal, and the  
31 department if a charter is terminated immediately. The sponsor shall clearly identify the specific issues that  
32 resulted in the immediate termination and provide evidence of prior notification of issues resulting in the  
33 immediate termination when appropriate. Upon receiving written notice from the sponsor, the charter  
34 school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited  
35 and the final order must be issued within 60 days after the date of request. The sponsor shall assume  
36 operation of the charter school throughout the pendency of the hearing under paragraphs (b) and (c) unless  
37 the continued operation of the charter school would materially threaten the health, safety, or welfare of  
38 the students. Failure by the sponsor to assume and continue operation of the charter school shall result in  
39 the awarding of reasonable costs and attorney's fees to the charter school if the charter school prevails on  
40 appeal.

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

53 (f) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter  
54 school. The district may not assume the debt from any contract made between the governing body of the  
55 school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the  
56 district and the governing body of the school and that may not reasonably be assumed to have been satisfied  
57 by the district.

58 (g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall  
59 be enrolled in, another public school. Normal application deadlines shall be disregarded under such  
60 circumstances.

61 **1011.71 District school tax.—**

62 (1) If the district school tax is not provided in the General Appropriations Act or the substantive bill  
63 implementing the General Appropriations Act, each district school board desiring to participate in the state  
64 allocation of funds for current operation as prescribed by s. [1011.62](#)(13) shall levy on the taxable value for  
65 school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of  
66 the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the  
67 minimum millage rate necessary to provide the district required local effort for the current year, pursuant  
68 to s. [1011.62](#)(4)(a)1. In addition to the required local effort millage levy, each district school board may levy  
69 a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the  
70 appropriations act the maximum amount of millage a district may levy.

71 (2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not  
72 more than 1.5 mills against the taxable value for school purposes for district schools, including charter  
73 schools at the discretion of the school board, to fund:

74 (a) New construction and remodeling projects, as set forth in s. [1013.64](#)(3)(b) and (6)(b) and included in  
75 the district's educational plant survey pursuant to s. [1013.31](#), without regard to prioritization, sites and site  
76 improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary  
77 facilities.

78 (b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct  
79 deficiencies pursuant to s. [1013.15](#)(2).

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

81 (d) The purchase, lease-purchase, or lease of new and replacement equipment; computer hardware,  
82 including electronic hardware and other hardware devices necessary for gaining access to or enhancing the  
83 use of electronic content and resources or to facilitate the access to and the use of a school district's  
84 electronic learning management system pursuant to s. [1006.281](#), excluding software other than the  
85 operating system necessary to operate the hardware or device; and enterprise resource software  
86 applications that are classified as capital assets in accordance with definitions of the Governmental  
87 Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide  
88 administration or state-mandated reporting requirements.

89 (e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a  
90 district school board pursuant to s. [1003.02](#)(1)(f) or s. [1013.15](#)(2), not exceeding, in the aggregate, an  
91 amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to  
92 this subsection. For the 2009-2010 fiscal year, the three-fourths limit is waived for lease-purchase  
93 agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph.

- 94 (f) Payment of loans approved pursuant to ss. [1011.14](#) and [1011.15](#).
- 95 (g) Payment of costs directly related to complying with state and federal environmental statutes, rules,  
96 and regulations governing school facilities.
- 97 (h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities  
98 and sites pursuant to s. [1013.15](#)(2), or of renting or leasing buildings or space within existing buildings  
99 pursuant to s. [1013.15](#)(4).
- 100 (i) Payment of the cost of school buses when a school district contracts with a private entity to provide  
101 student transportation services if the district meets the requirements of this paragraph.
- 102 1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and  
103 operate and maintain, one or more school buses of a specific type and size that meet the requirements of s.  
104 [1006.25](#).
- 105 2. Each such school bus must be used for the daily transportation of public school students in the manner  
106 required by the school district.
- 107 3. Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state  
108 pool bid.
- 109 4. The proposed expenditure of the funds for this purpose must have been included in the district school  
110 board's notice of proposed tax for school capital outlay as provided in s. [200.065](#)(10).
- 111 (j) Payment of the cost of the opening day collection for the library media center of a new school.
- 112 (3)(a) Notwithstanding subsection (2), if the revenue from 1.5 mills is insufficient to meet the payments  
113 due under a lease-purchase agreement entered into before June 30, 2009, by a district school board  
114 pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in  
115 addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent  
116 amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied  
117 pursuant to this subsection is subject to the provisions of s. [200.065](#) and, combined with the 1.5 mills  
118 authorized in subsection (2), may not exceed [1.75](#) mills. If the district chooses to use up to [0.25](#) mills for  
119 fixed capital outlay, the compression adjustment pursuant to s. [1011.62](#)(5) shall be calculated for the  
120 standard discretionary millage that is not eligible for transfer to capital outlay.
- 121 (b) Local funds generated by the additional 0.25 mills authorized in <sup>1</sup>paragraph (b) and state funds provided  
122 pursuant to s. [1011.62](#)(5) may not be included in the calculation of the Florida Education Finance Program in  
123 2011-2012 or any subsequent year and may not be incorporated in the calculation of any hold-harmless or

124 other component of the Florida Education Finance Program in any year, except as provided in <sup>2</sup>paragraph  
125 (d).

126 (c) For the 2011-2012 and 2012-2013 fiscal years, the 0.25 mills authorized in <sup>1</sup>paragraph (b) may be levied  
127 by the districts in which it was authorized by the voters in the 2010 general election. If a district levies this  
128 voter-approved 0.25 mills for operations, a compression adjustment pursuant to s. [1011.62](#)(5) may be  
129 calculated and added to the district's Florida Education Finance Program allocation, subject to  
130 determination in the General Appropriations Act.

131 (4) If the revenue from the millage authorized in subsection (2) is insufficient to make payments due under  
132 a lease-purchase agreement entered into prior to June 30, 2008, by a district school board pursuant to  
133 paragraph (2)(e), an amount up to 0.5 mills of the taxable value for school purposes within the school  
134 district shall be legally available for such payments, notwithstanding other restrictions on the use of such  
135 revenues imposed by law.

136 (5) Effective July 1, 2008, a school district may expend, subject to the provisions of s. [200.065](#), up to \$100  
137 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by  
138 subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the  
139 following:

140 (a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the  
141 maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or  
142 distributing materials and equipment.

143 (b) Payment of the cost of premiums, as defined in s. [627.403](#), for property and casualty insurance  
144 necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty  
145 insurance has the same meaning as in s. [624.605](#)(1)(d), (f), (g), (h), and (m). Operating revenues that are  
146 made available through the payment of property and casualty insurance premiums from revenues generated  
147 under this subsection may be expended only for nonrecurring operational expenditures of the school district.

148 (6) Violations of the expenditure provisions in subsection (2) or subsection (5) shall result in an equal dollar  
149 reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year  
150 following the audit citation.

151 (7) In addition to the maximum millage levy as provided in subsections (1)-(3), each school board may levy  
152 not more than 0.15 mills against the taxable value for school purposes at the discretion of the school board  
153 to provide charter school capital outlay funding pursuant to s.1013.62, with the exception of costs  
154 associated with new charter school student stations which become operational after the 2012-13 school year  
155 that are in excess of needs identified in the district's educational plant survey pursuant to s.1013.31. The

156 amount levied pursuant to this subsection may not exceed the estimated annual charter schools capital  
157 outlay payments pursuant to s.1013.62, and the revenues generated from this levy may be used only for the  
158 purpose of funding eligible charter school capital outlay in accordance with the provisions of s.1013.62.

159 ~~(7)~~ (8) These taxes shall be certified, assessed, and collected as prescribed in s. [1011.04](#) and shall be  
160 expended as provided by law.

161 ~~(9)~~(9) Nothing in s. [1011.62](#)(4)(a)1. shall in any way be construed to increase the maximum school millage  
162 levies as provided for in subsection (1).

163 ~~(9)~~(10) In addition to the maximum millage levied under this section and the General Appropriations Act, a  
164 school district may levy, by local referendum or in a general election, additional millage for school  
165 operational purposes up to an amount that, when combined with nonvoted millage levied under this section,  
166 does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall  
167 be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII  
168 of the State Constitution. Millage elections conducted under the authority granted pursuant to this section  
169 are subject to s. [1011.73](#). Funds generated by such additional millage do not become a part of the  
170 calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent  
171 year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida  
172 Education Finance Program formula in any year. If an increase in required local effort, when added to  
173 existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill  
174 limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the  
175 extent that the district millage would otherwise exceed the 10-mill limit.

176 **1013.62 Charter schools capital outlay funding.—**

177 ~~(1)In each year in which funds are appropriated for charter school capital outlay purposes, the~~  
178 ~~Commissioner of Education shall allocate the funds among eligible charter schools. Each school district shall~~  
179 provide annual capital outlay funding to its charter schools in accordance with the following procedures:

180 (a)To be eligible for a funding allocation, a charter school must:

181 1.a. Have been in operation for 3 or more years;

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

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

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

187 or



188 e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace  
189 pursuant to s. [1002.33](#)(15)(b).

190 2. Have financial stability for future operation as a charter school.

191 3. Have satisfactory student achievement based on state accountability standards applicable to the charter  
192 school as follows:

193 a. for charter schools receiving a school improvement rating pursuant to s.1008.341, the school must  
194 have received a rating of "Improving" or "Maintaining" for the latest school grading period;

195 b. for all other charter schools, the school must have received a school grade of "c" or higher for  
196 the latest grading period.

197 4. Have received final approval from its sponsor pursuant to s. [1002.33](#) for operation during that fiscal  
198 year.

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

200 6. Charter schools which begin or expand operation after the 2012-13 school year and meet the eligibility  
201 criteria in this section must also meet one of the following conditions in order to be entitled to compulsory  
202 capital outlay funding from the school district pursuant to this section:

203 i. for new or expanded charter schools addressing a deficiency in student stations identified in a  
204 district's educational plant survey pursuant to s.1013.31, the charter school is entitled to funding for each  
205 student station provided which reduces the deficiency.

206 ii. the charter school is established to replace or assume the operation of a chronically low-achieving  
207 school pursuant to s.1008.33(3)(b) in a facility which is not provided and maintained by the school district.

208 ~~—(b)The first priority for charter school capital outlay funding is to allocate to charter schools that received~~  
209 ~~funding in the 2005-2006 fiscal year an allocation of the same amount per capital outlay full-time equivalent~~  
210 ~~student, up to the lesser of the actual number of capital outlay full-time equivalent students in the current~~  
211 ~~year, or the capital outlay full-time equivalent students in the 2005-2006 fiscal year. After calculating the~~  
212 ~~first priority, the second priority is to allocate excess funds remaining in the appropriation in an amount~~  
213 ~~equal to the per capital outlay full-time equivalent student amount in the first priority calculation to eligible~~  
214 ~~charter schools not included in the first priority calculation and to schools in the first priority calculation~~  
215 ~~with growth greater than the 2005-2006 capital outlay full-time equivalent students. After calculating the~~  
216 ~~first and second priorities, excess funds remaining in the appropriation must be allocated to all eligible~~  
217 ~~charter schools.~~

218 ~~—(c) (b) An eligible charter school's allocation per pupil shall be the lesser of~~ may not exceed one-fifteenth  
219 thirtieth of the cost per student station specified in s. [1013.64](#)(6)(b) as of June 30 of the preceding fiscal  
220 year or the calculated value of district's maximum potential discretionary capital outlay millage revenue  
221 pursuant to s.1011.71(2) divided by the district's prior year full-time equivalent capital outlay enrollment.

222 Before releasing capital outlay funds to a school district on behalf of the charter school, the Department of  
223 Education must ensure that the district school board and the charter school governing board must enter into

224 a written agreement that provides for the reversion of any unencumbered funds and all equipment and  
225 property purchased with public education funds to the ownership of the district school board, as provided  
226 for in subsection (3) if the school terminates operations. ~~Any funds recovered by the state shall be deposited~~  
227 ~~in the General Revenue Fund.~~

228 ~~—(d) (c) A charter school is not eligible for a funding allocation if it was created by the conversion of a~~  
229 ~~public school and operates in facilities provided by the charter school’s sponsor for a nominal fee, or at no~~  
230 ~~charge, or if it is directly or indirectly operated by the school district.~~

231 ~~—(e) (d) Unless otherwise provided in the General Appropriations Act, t~~The funding allocation for each  
232 eligible charter school is determined by multiplying the school’s projected student enrollment by the per  
233 pupil amount as determined in subsection (b) one-fifteenth of the cost per student station specified in s.  
234 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not  
235 sufficient, the commissioner shall prorate the available funds among eligible charter schools. However, a  
236 charter school or charter lab school may not receive state charter school capital outlay funds greater than  
237 the one-fifteenth cost per student station formula if the charter school’s combination of state charter school  
238 capital outlay funds, capital outlay funds calculated through the reduction in the administrative fee provided  
239 in s. 1002.33(20), and capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost  
240 per student station formula.

241 (f) Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade  
242 level, which is calculated by averaging the results of the second and third enrollment surveys. The  
243 ~~Department of Education~~ district shall distribute capital outlay funds monthly in equal installments when  
244 operating funds are disbursed to charter schools, beginning in the first quarter of the fiscal year, based on  
245 one-twelfth of the amount the department district reasonably expects the charter school to receive during  
246 that fiscal year. The ~~commissioner~~ district shall adjust subsequent distributions as necessary to reflect each  
247 charter school’s actual student enrollment as reflected in the second and third enrollment surveys. ~~The~~  
248 ~~commissioner shall establish the intervals and procedures for determining the projected and actual student~~  
249 ~~enrollment of eligible charter schools.~~

250 (g) A charter school may appeal a school district’s denial of the school’s eligibility to receive capital outlay  
251 funding pursuant to this section to the State Board of Education. The State Board of Education shall by  
252 majority vote accept or reject the decision of the district. The decision of the State Board of Education is  
253 not subject to the provisions of the Administrative Procedures Act, Chapter 120.

254 (2) A charter school’s governing body may use charter school capital outlay funds for the following  
255 purposes:

- 256 (a) Purchase of real property.
- 257 (b) Construction of school facilities.
- 258 (c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.
- 259 (d) Purchase of vehicles to transport students to and from the charter school.

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

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

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

268 (h)Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the  
269 maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or  
270 distributing materials and equipment.

271 Conversion charter schools may use capital outlay funds received through the reduction in the administrative  
272 fee provided in s. [1002.33](#)(20) for renovation, repair, and maintenance of school facilities that are owned by  
273 the sponsor.

274 (3)When a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and  
275 property purchased with district public funds shall revert to the ownership of the district school board, as  
276 provided for in s. [1002.33](#)(8)(e) and (f). ~~In the case of a charter lab school, any unencumbered funds and all~~  
277 ~~equipment and property purchased with university public funds shall revert to the ownership of the state~~  
278 ~~university that issued the charter.~~The reversion of such equipment, property, and furnishings shall focus on  
279 recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal  
280 maintenance, and limited renovations. The reversion of all property secured with public funds is subject to  
281 the complete satisfaction of all lawful liens or encumbrances. If there are additional local issues such as the  
282 shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the  
283 charter contract prior to the expenditure of funds.

284 ~~—(4)The Commissioner of Education shall specify procedures for submitting and approving requests for~~  
285 ~~funding under this section and procedures for documenting expenditures.~~

286 ~~—(5)The annual legislative budget request of the Department of Education shall include a request for capital~~  
287 ~~outlay funding for charter schools. The request shall be based on the projected number of students to be~~  
288 ~~served in charter schools who meet the eligibility requirements of this section. A dedicated funding source,~~  
289 ~~if identified in writing by the Commissioner of Education and submitted along with the annual charter school~~  
290 ~~legislative budget request, may be considered an additional source of funding.~~

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

294 (4) . A charter school which is initially determined eligible to receive charter school capital outlay funds  
295 pursuant to this section shall remain entitled to compulsory capital outlay funding from the district as long  
296 as the charter is in effect, including renewals, and the charter school continues to meet the requirements of  
297 subsection (1)(a) 1-5.

298 (5) A charter school may appeal a determination by a school district that the charter school is not eligible to  
299 receive capital outlay funding under this section to the State Board of Education. The State Board of  
300 Education shall establish a process to review and dispose of such appeals which follows the procedures set  
301 forth in s.1002.33 (6) (c) for the review and dispensation of appeals relating to the approval of charter  
302 applications. Final decisions of the State Board of Education relating to charter school eligibility for capital  
303 outlay funding under this section are not subject to the provisions of the Administrative Procedures Act,  
304 chapter 120.

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Florida Department of Education

Lesser of 1/30 Student Station Cost and Funding at 1.5 Mills  
Compared to Current Charter PECO Funding

District	Current Charter School PECO Funding	Lesser of 1/30th and 1.5 Mills for Qualifying Charters	Difference	Percent
	-1-	-2-	-3-	-4-
1 Alachua	648,833	1,028,744	379,911	58.55%
2 Baker	0	0	0	0.00%
3 Bay	507,287	898,286	390,999	77.08%
4 Bradford	0	0	0	0.00%
5 Brevard	803,684	1,188,726	385,042	47.91%
6 Broward	9,791,091	17,366,994	7,575,903	77.38%
7 Calhoun	0	0	0	0.00%
8 Charlotte	139,738	266,695	126,957	90.85%
9 Citrus	50,552	87,887	37,335	73.85%
10 Clay	0	0	0	0.00%
11 Collier	87,687	163,733	76,046	86.72%
12 Columbia	0	0	0	0.00%
13 Miami-Dade	14,680,049	26,750,512	12,070,463	82.22%
14 DeSoto	0	0	0	0.00%
15 Dixie	0	0	0	0.00%
16 Duval	1,648,636	2,530,431	881,795	53.49%
17 Escambia	316,236	404,148	87,912	27.80%
18 Flagler	272,895	555,062	282,167	103.40%
19 Franklin	117,065	218,806	101,741	86.91%
20 Gadsden	105,533	103,530	(2,003)	-1.90%
21 Gilchrist	0	0	0	0.00%
22 Glades	62,321	102,090	39,769	63.81%
23 Gulf	0	0	0	0.00%
24 Hamilton	0	0	0	0.00%
25 Hardee	0	0	0	0.00%
26 Hendry	0	0	0	0.00%
27 Hernando	44,826	61,540	16,714	37.29%
28 Highlands	0	0	0	0.00%
29 Hillsborough	2,717,363	3,384,991	667,628	24.57%
30 Holmes	0	0	0	0.00%
31 Indian River	826,243	1,528,346	702,103	84.98%
32 Jackson	0	0	0	0.00%
33 Jefferson	0	0	0	0.00%
34 Lafayette	0	0	0	0.00%
35 Lake	658,126	988,799	330,673	50.24%
36 Lee	4,067,184	7,871,444	3,804,260	93.54%
37 Leon	412,232	703,003	290,771	70.54%
38 Levy	75,658	91,745	16,087	21.26%
39 Liberty	0	0	0	0.00%
40 Madison	0	0	0	0.00%
41 Manatee	1,326,010	2,418,638	1,092,628	82.40%
42 Marion	94,189	139,734	45,545	48.35%
43 Martin	118,460	227,702	109,242	92.22%
44 Monroe	70,832	131,730	60,898	85.97%
45 Nassau	0	0	0	0.00%
46 Okaloosa	631,098	997,510	366,412	58.06%
47 Okeechobee	0	0	0	0.00%
48 Orange	2,340,718	3,698,393	1,357,675	58.00%
49 Osceola	1,939,236	2,292,643	353,407	18.22%
50 Palm Beach	2,779,130	5,233,363	2,454,233	88.31%
51 Pasco	721,941	927,547	205,606	28.48%
52 Pinellas	670,541	1,228,931	558,390	83.27%
53 Polk	1,342,169	1,366,905	24,736	1.84%
54 Putnam	64,801	93,196	28,395	43.82%
55 St. Johns	54,358	107,047	52,689	96.93%
56 St. Lucie	445,975	733,240	287,265	64.41%
57 Santa Rosa	43,803	38,695	(5,108)	-11.66%
58 Sarasota	1,877,083	3,551,696	1,674,613	89.21%
59 Seminole	241,363	399,712	158,349	65.61%
60 Sumter	907,609	1,730,855	823,246	90.70%
61 Suwannee	0	0	0	0.00%
62 Taylor	0	0	0	0.00%
63 Union	0	0	0	0.00%
64 Volusia	308,952	446,288	137,336	44.45%
65 Wakulla	51,034	45,797	(5,237)	-10.26%
66 Walton	113,724	208,798	95,074	83.60%
67 Washington	0	0	0	0.00%
68 Washington Special	0	0	0	0.00%
69 FAMU Lab School	0	0	0	0.00%
70 FAU - Palm Beach	0	0	0	0.00%
71 FAU - St. Lucie	0	0	0	0.00%
72 FSU Lab - Broward	250,747	463,893	213,146	85.00%
73 FSU Lab - Leon	782,094	1,049,792	267,698	34.23%
74 UF Lab School	0	0	0	0.00%
75 Virtual School	0	0	0	0.00%
Total	55,209,106	93,827,617	38,618,511	69.95%

Florida Department of Education

Millage Required to Fund Qualifying Charters at  
1.5 Mills or 1/30th Student Station Cost

District	Funds Needed to Fund Qualifying Charters at 2012-13 1.5 Mills or 1/30th	Millage Required to Generate Funds Needed
	-1-	-2-
1 Alachua	1,028,744	0.087
2 Baker	0	0.000
3 Bay	898,286	0.063
4 Bradford	0	0.000
5 Brevard	1,188,726	0.045
6 Broward	17,366,994	0.133
7 Calhoun	0	0.000
8 Charlotte	266,695	0.022
9 Citrus	87,887	0.009
10 Clay	0	0.000
11 Collier	163,733	0.003
12 Columbia	0	0.000
13 Miami-Dade	26,750,512	0.136
14 DeSoto	0	0.000
15 Dixie	0	0.000
16 Duval	2,530,431	0.050
17 Escambia	404,148	0.028
18 Flagler	555,062	0.084
19 Franklin	218,806	0.125
20 Gadsden	103,530	0.078
21 Gilchrist	0	0.000
22 Glades	102,090	0.186
23 Gulf	0	0.000
24 Hamilton	0	0.000
25 Hardee	0	0.000
26 Hendry	0	0.000
27 Hernando	61,540	0.008
28 Highlands	0	0.000
29 Hillsborough	3,384,991	0.054
30 Holmes	0	0.000
31 Indian River	1,528,346	0.118
32 Jackson	0	0.000
33 Jefferson	0	0.000
34 Lafayette	0	0.000
35 Lake	988,799	0.063
36 Lee	7,871,444	0.144
37 Leon	703,003	0.051
38 Levy	91,745	0.054
39 Liberty	0	0.000
40 Madison	0	0.000
41 Manatee	2,418,638	0.101
42 Marion	139,734	0.009
43 Martin	227,702	0.013
44 Monroe	131,730	0.007
45 Nassau	0	0.000
46 Okaloosa	997,510	0.071
47 Okeechobee	0	0.000
48 Orange	3,698,393	0.045
49 Osceola	2,292,643	0.137
50 Palm Beach	5,233,363	0.041
51 Pasco	927,547	0.046
52 Pinellas	1,228,931	0.022
53 Polk	1,366,905	0.056
54 Putnam	93,196	0.027
55 St. Johns	107,047	0.006
56 St. Lucie	733,240	0.049
57 Santa Rosa	38,695	0.005
58 Sarasota	3,551,696	0.089
59 Seminole	399,712	0.016
60 Sumter	1,730,855	0.233
61 Suwannee	0	0.000
62 Taylor	0	0.000
63 Union	0	0.000
64 Volusia	446,288	0.018
65 Wakulla	45,797	0.039
66 Walton	208,798	0.019
67 Washington	0	0.000
68 Washington Special	0	
69 FAMU Lab School	0	
70 FAU - Palm Beach	0	
71 FAU - St. Lucie	0	
72 FSU Lab - Broward	463,893	
73 FSU Lab - Leon	1,049,792	
74 UF Lab School	0	
75 Virtual School	0	

Total 93,827,617

Qualifying Charter FTE 137,524