

FLORIDA DEPARTMENT OF EDUCATION

K-12 Public School Facility Funding Task Force Meeting

1:00 to 4:00 p.m.

Turlington Building, Room 1706

Tallahassee, Florida

November 1, 2012

FLORIDA DEPARTMENT OF EDUCATION

K-12 Public School Facility Funding Task Force

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

Chair of the Task Force		
		Statutory Requirement
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.
Members Appointed by the President of the Senate		
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.
Members Appointed by the Speaker of the House of Representatives		
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.
Members Appointed by the Governor		
Lori Gunn	Coldwell Banker Vanguard Realty	Parent of a student attending a school operated by a school district.
Jenni C. Parsons	Coral Springs Charter School Parent Teacher Student Organization	Parent of a student attending a charter school.

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TAB A

**Meeting Agenda –
November 1, 2012**

K-12 PUBLIC SCHOOL FACILITY FUNDING TASK FORCE

MEETING AGENDA

NOVEMBER 1, 2012

- I. Welcome, Member Roll Call and Introductory Remarks – Chair Champion
- II. Member Comments
- III. Action Items
 - 1. October 12, 2012, Meeting Record
 - 2. Facility Funding Legislation (October 17, 2012, Revision)
 - 3. Amendatory Process:
 - Review and act on amendments and recommendations suggested by members
- IV. Recommendations for the Final Report
- V. Closing Comments and Next Task Force Meeting Schedule

TAB B

K-12 Public School Facility Funding Task Force – October 12, 2012, Meeting Record

October 25, 2012

K-12 Public School Facility Funding Task Force
October 12, 2012, Teleconference Meeting Record

On October 12, 2012, the third meeting of the K-12 Public School Facility Funding Task Force was held by teleconference. The task force is authorized by Section 20, Chapter 2012-133, Laws of Florida, to make recommendations to the Florida Legislature regarding equitable facility funding for charter and traditional public schools.

Chair Champion called the meeting to order. In addition to the chair, members Joe Joyner, Charles Shaw, Gene Waddell, Robert Runcie, Caroline Zucker, Jon “Tom” Rogers, Elizabeth Haney, and Jenni Parsons participated in the teleconference. John Hage and Lori Gunn did not participate in the teleconference.

The action item on the agenda was the review and approval of the task force meeting record for the September 27, 2012, meeting. The record for the meeting was unanimously approved without amendment.

A discussion item was next on the agenda. The task force members were instructed via an October 2, 2012, e-mail message to provide to staff by October 5, 2012, their comments on the workshop materials (TAB Q) that were presented at the September 27, 2012, task force meeting. Staff compiled the member comments and provided them to the members on October 11, 2012, to guide discussion during the teleconference meeting on October 12, 2012.

TAB Q was based on changes to three sections of the Florida Statutes: Section 1002.33, F.S. – Charter Schools; Section 1011.71, F.S. – District School Tax; and Section 1013.62, F.S. – Charter School Capital Outlay Funding. Members submitted comments that were either directly or indirectly related to the three sections of statute. The member comments were organized by statutory reference or by topic for those that did not have an obvious reference. The *Compilation of Member Comments by Applicable Florida Statute* is TAB C at the following location: <http://www.fldoe.org/cefo/pdf/FacilityFundingMeetingPacket101112.pdf>.

The chair asked each member to further explain his or her comments, which had been included in the compilation cited above. After each member explained each comment, following the order set up in TAB C, the chair gave all members the opportunity to express their opinion about the comments. John Hage had discussed his comments with John Newman who presented Mr. Hage’s proposal to the task force. Each comment was explained and discussed, but no decisions were made because the agenda item was a general discussion for clarification.

Based on the October 12, 2012, comments and discussion, a revised draft (which had its origins in the September 27, 2012, TAB Q proposal) was to be prepared and sent to the members, along with an explanation of the changes to the draft, and forms to amend the proposed draft or to propose other recommendations for consideration by the task force. The task force's next meeting was scheduled for 1:00 p.m. to 4:00 p.m., November 1, 2012, to vote on the proposed amendments and the additional recommendations.

The chair adjourned the meeting.

TAB C

**Draft Facility Funding Legislation
In Response to the October 12, 2012,
Teleconference
October 17, 2012**

1 *The Task Force recommends that the legislature identify a stable and reliable*
2 *state funding source to adequately fund capital outlay requirements for charter*
3 *schools, and that adequate provision for the construction and maintenance of*
4 *traditional schools be made by increasing the maximum discretionary millage a*
5 *school board may levy for capital purposes pursuant to s.1011.71 (2), Florida*
6 *Statutes, to 2.0 mills.*

7 *If a reliable and stable state funding source cannot be identified, the Task Force*
8 *recommends the following statutory changes:*

9 1002.33 Charter schools.—

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

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

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

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

15 3. Violation of law.

16 4. Other good cause shown.

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

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

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

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

34 (d) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and
35 circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the
36 charter school’s students exists. The sponsor’s determination is subject to the procedures set forth in
37 paragraphs (b) and (c), except that the hearing may take place after the charter has been terminated. The
38 sponsor shall notify in writing the charter school’s governing board, the charter school principal, and the
39 department if a charter is terminated immediately. The sponsor shall clearly identify the specific issues that
40 resulted in the immediate termination and provide evidence of prior notification of issues resulting in the
41 immediate termination when appropriate. Upon receiving written notice from the sponsor, the charter
42 school’s governing board has 10 calendar days to request a hearing. A requested hearing must be expedited
43 and the final order must be issued within 60 days after the date of request. The sponsor shall assume
44 operation of the charter school throughout the pendency of the hearing under paragraphs (b) and (c) unless
45 the continued operation of the charter school would materially threaten the health, safety, or welfare of
46 the students. Failure by the sponsor to assume and continue operation of the charter school shall result in
47 the awarding of reasonable costs and attorney’s fees to the charter school if the charter school prevails on
48 appeal.

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

62 (f) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter
63 school. The district may not assume the debt from any contract made between the governing body of the

64 school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the
65 district and the governing body of the school and that may not reasonably be assumed to have been satisfied
66 by the district.

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

70 **1011.71 District school tax.—**

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

80 (2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not
81 more than ~~4.5~~ [2.0](#) mills against the taxable value for school purposes for district schools, including charter
82 schools at the discretion of the school board, to fund:

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

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

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

90 (d) The purchase, lease-purchase, or lease of new and replacement equipment; computer hardware,
91 including electronic hardware and other hardware devices necessary for gaining access to or enhancing the
92 use of electronic content and resources or to facilitate the access to and the use of a school district's
93 electronic learning management system pursuant to s. [1006.281](#), excluding software other than the
94 operating system necessary to operate the hardware or device; and enterprise resource software

95 applications that are classified as capital assets in accordance with definitions of the Governmental
96 Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide
97 administration or state-mandated reporting requirements.

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

103 (f) Payment of loans approved pursuant to ss. [1011.14](#) and [1011.15](#).

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

106 (h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities
107 and sites pursuant to s. [1013.15](#)(2), or of renting or leasing buildings or space within existing buildings
108 pursuant to s. [1013.15](#)(4).

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

111 1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and
112 operate and maintain, one or more school buses of a specific type and size that meet the requirements of s.
113 [1006.25](#).

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

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

118 4. The proposed expenditure of the funds for this purpose must have been included in the district school
119 board's notice of proposed tax for school capital outlay as provided in s. [200.065](#)(10).

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

121 ~~(3)(a) Notwithstanding subsection (2), if the revenue from 1.5 mills is insufficient to meet the payments~~
122 ~~due under a lease-purchase agreement entered into before June 30, 2009, by a district school board~~
123 ~~pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in~~

124 ~~addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent~~
125 ~~amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied~~
126 ~~pursuant to this subsection is subject to the provisions of s. 200.065 and, combined with the 1.5 mills~~
127 ~~authorized in subsection (2), may not exceed 1.75 mills. If the district chooses to use up to 0.25 mills for~~
128 ~~fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the~~
129 ~~standard discretionary millage that is not eligible for transfer to capital outlay.~~

130 ~~(b) Local funds generated by the additional 0.25 mills authorized in ¹paragraph (b) and state funds provided~~
131 ~~pursuant to s. 1011.62(5) may not be included in the calculation of the Florida Education Finance Program in~~
132 ~~2011-2012 or any subsequent year and may not be incorporated in the calculation of any hold harmless or~~
133 ~~other component of the Florida Education Finance Program in any year, except as provided in ²paragraph~~
134 ~~(d).~~

135 ~~(c) For the 2011-2012 and 2012-2013 fiscal years, the 0.25 mills authorized in ¹paragraph (b) may be levied~~
136 ~~by the districts in which it was authorized by the voters in the 2010 general election. If a district levies this~~
137 ~~voter-approved 0.25 mills for operations, a compression adjustment pursuant to s. 1011.62(5) may be~~
138 ~~calculated and added to the district's Florida Education Finance Program allocation, subject to~~
139 ~~determination in the General Appropriations Act.~~

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

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

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

152 (b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance
153 necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty
154 insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are

155 made available through the payment of property and casualty insurance premiums from revenues generated
156 under this subsection may be expended only for nonrecurring operational expenditures of the school district.

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

160 ~~(7) In addition to the maximum millage levy as provided in subsections (1)-(3), each school board may levy~~
161 ~~not more than 0.15 mills against the taxable value for school purposes at the discretion of the school board~~
162 ~~to provide charter school capital outlay funding pursuant to s.1013.62, with the exception of costs~~
163 ~~associated with new charter school student stations which become operational after the 2012-13 school year~~
164 ~~that are in excess of needs identified in the district's educational plant survey pursuant to s.1013.31. The~~
165 ~~amount levied pursuant to this subsection may not exceed the estimated annual charter schools capital~~
166 ~~outlay payments pursuant to s.1013.62, and the revenues generated from this levy may be used only for the~~
167 ~~purpose of funding eligible charter school capital outlay in accordance with the provisions of s.1013.62.—~~

168 ~~(7)~~ (8) These taxes shall be certified, assessed, and collected as prescribed in s. [1011.04](#) and shall be
169 expended as provided by law.

170 ~~(8)~~(9) Nothing in s. [1011.62](#)(4)(a)1. shall in any way be construed to increase the maximum school millage
171 levies as provided for in subsection (1).

172 ~~(9)~~(10) In addition to the maximum millage levied under this section and the General Appropriations Act, a
173 school district may levy, by local referendum or in a general election, additional millage for school
174 operational purposes up to an amount that, when combined with nonvoted millage levied under this section,
175 does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall
176 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
177 of the State Constitution. Millage elections conducted under the authority granted pursuant to this section
178 are subject to s. [1011.73](#). Funds generated by such additional millage do not become a part of the
179 calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent
180 year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida
181 Education Finance Program formula in any year. If an increase in required local effort, when added to
182 existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill
183 limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the
184 extent that the district millage would otherwise exceed the 10-mill limit.

185 1013.62 **Compulsory** Charter schools capital outlay funding.—

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

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

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

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

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

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

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

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

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

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

205 b. for all other charter schools, the school must have received a school grade of "C" or higher for
206 the latest grading period.

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

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

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

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

216 ii. the charter school is established ~~primarily to serve students in the attendance zone of a school~~
217 ~~identified in need of intervention and support services to replace or assume the operation of a chronically~~
218 ~~low-achieving school~~ pursuant to s.1008.33(3)(b) in a facility that is not provided and maintained by the
219 school district.

220 ~~—(b) The first priority for charter school capital outlay funding is to allocate to charter schools that received~~
221 ~~funding in the 2005-2006 fiscal year an allocation of the same amount per capital outlay full-time equivalent~~

222 student, up to the lesser of the actual number of capital outlay full-time equivalent students in the current
223 year, or the capital outlay full-time equivalent students in the 2005-2006 fiscal year. After calculating the
224 first priority, the second priority is to allocate excess funds remaining in the appropriation in an amount
225 equal to the per capital outlay full-time equivalent student amount in the first priority calculation to eligible
226 charter schools not included in the first priority calculation and to schools in the first priority calculation
227 with growth greater than the 2005-2006 capital outlay full-time equivalent students. After calculating the
228 first and second priorities, excess funds remaining in the appropriation must be allocated to all eligible
229 charter schools.

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

234 Before releasing capital outlay funds to a school district on behalf of the charter school, the Department of
235 Education must ensure that the district school board and the charter school governing board must enter into
236 a written agreement that provides for the reversion of any unencumbered funds and all equipment and
237 property purchased with public education funds to the ownership of the district school board, as provided
238 for in subsection (3) if the school terminates operations. ~~Any funds recovered by the state shall be deposited~~
239 ~~in the General Revenue Fund.~~

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

243 —(e) ~~(d)~~ Unless otherwise provided in the General Appropriations Act, ~~t~~The funding allocation for each
244 eligible charter school is determined by multiplying the school's projected student enrollment by the lesser
245 of one-fifteenth thirtieth of the cost-per-student station as of June 30 of the preceeding fiscal year specified
246 in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate, or the calculated value of the
247 district's maximum potential discretionary capital outlay millage revenue pursuant to s.1011.72(2) divided
248 by the district's prior year full-time equivalent capital outlay enrollment. However, no district shall be
249 required to make compulsory charter school capital outlay payments in excess of the annual revenue derived
250 from the levy of 0.25 mills against the ad valorem taxable value of the district for school purposes. ~~If the~~
251 ~~funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible~~
252 ~~charter schools. However, a charter school or charter lab school may not receive state charter school capital~~
253 ~~outlay funds greater than the one-fifteenth cost per student station formula if the charter school's~~
254 ~~combination of state charter school capital outlay funds, capital outlay funds calculated through the~~
255 ~~reduction in the administrative fee provided in s. 1002.33(20), and capital outlay funds allowed in s.~~
256 ~~1002.32(9)(c) and (h) exceeds the one-fifteenth cost per student station formula.~~

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

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

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

273 (a) Purchase of real property.

274 (b) Construction of school facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

322

TAB D

Explanation of Changes to the Draft Facility Funding Legislation

In Response to the October 12, 2012,
Teleconference

October 17, 2012

K-12 Public School Facility Funding Task Force

Explanation of Changes to Draft Facility Funding Legislation

In Response to the October 12, 2012 Teleconference

- Lines 1 – 8, added to reflect task force preference that charter school capital outlay should be funded from state rather than local sources. (Superintendent Joyner and others)
- Line 52, language added as recommended. (Tom Rogers)
- Line 81, language added based on member discussion.
- Lines 121 – 139, current law language deleted – no longer necessary if discretionary capital outlay millage rate is increased to 2.0 mills.
- Lines 160 – 167, previously proposed language deleted; concept was superseded by increasing the maximum discretionary capital outlay millage to 2.0 mills.
- Line 185, clarifying language.
- Line 188, clarifying language.
- Lines 216 – 218, clarifying language.
- Lines 230 – 233, previously proposed language from earlier draft deleted. This duplicates language in lines 243 through 248.
- Lines 244 – 250, new language to cap maximum compulsory charter school capital outlay payment to 0.25 mills of the district discretionary capital outlay revenue. (Superintendent Runcie, Tom Rogers, and others)
- Lines 257 – 260, clarifying language.
- Lines 264 – 265, clarifying language.
- Lines 267 – 270, previously proposed language from earlier draft deleted, it is repeated in lines 315 through 321.
- Lines 292 – 293, language added as recommended. (Tom Rogers)
- Shaded lines 291 – 300, with the exception of the item immediately above, this is current law language. It is highlighted because it appears to address the majority discussion regarding the reversion of assets acquired by a charter school with public funds to the school district upon termination of the charter.

TAB E

Task Force Member Amendments

Amendment No. 1 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member Joyner

Amendment: A series of amendments

1. Amend lines 52 - 57, and insert the amendment below:

~~upon satisfaction of all encumbrances. Capital outlay funds provided pursuant to s. 1013.62 and Federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances~~ except those liens and encumbrances imposed by a management company or entity involved in managing the charter school. Any unencumbered public funds from the charter school,

--OR--

Insert new language between line _____ and line _____, and insert the amendment below:

For words that you would like to delete indicate by using a ~~strikethrough~~ and for words that you would like to add indicate by underlining.

Amendment No. 2

Form 1: Form to Amend Proposed Bill

Task Force Member Jon "Tom" Rogers

Amendment

After line 139 insert a new (3):

(3) From the 2.0 mills authorized in subsection (2), .25 mills shall be used by the district to provide the compulsory capital outlay funding to eligible charter schools required by s. 1013.62. The amount levied pursuant to this subsection may not exceed the estimated annual compulsory charter schools capital outlay payments pursuant to s. 1013.62, and the revenues generated from this levy may be used only for the purpose of funding eligible compulsory charter school capital outlay in accordance with the provisions of s. 1013.62.

Amendment No. 3 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____ Joyner _____

Amendment

Amend lines 185, 211, 249, 260, 312, _____, and insert the amendment below:

Delete "compulsory"

—OR—

Insert new language between line _____ and line _____, and insert the amendment below:

For words that you would like to delete indicate by using a ~~strikethrough~~ and for words that you would like to add indicate by underlining.

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____ Joyner _____

Amendment: A series of amendments to authorize rather than require capital outlay funding for charter schools

1. Amend lines 187-189, and insert the amendment below:

~~Commissioner of Education shall allocate the funds among eligible charter schools.~~ Each school district may provide capital outlay funding to its charter schools in accordance with the following procedures. However, virtual charter schools are not eligible for capital outlay funds.

2. Amend lines 211, 214 and insert the amendment below:

Remove "entitled to" and insert "eligible for"

3. Remove lines 311 - 314

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member Charles Shaw

Amendment

Strike lines 190-199, and insert the amendment below:

- 190 (a) To be eligible for a funding allocation, a charter school must:
- 191 1.a. Have been in operation for 3 or more years;
- 192 b. Be governed by a governing board established in the state for 3 or more years which operates both
- 193 charter schools and conversion charter schools within the state; and
- 194 c. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools;
- 195 and either
- 196 d. Be an expanded feeder chain of a charter school within the same school district that is currently
- 197 receiving charter school capital outlay funds; or
- 198 e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace
- 199 pursuant to s. 1002.33(15)(b).

Amendment No. 6

K-12 Public School Facility Funding Task Force Action

Form 1: Form to Amend Proposed Bill

Task Force Member Jon "Tom" Rogers

Amendment

On lines 191-206, strike all the language and renumber subsequent subsections.

Amendment No. 7 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____Gene Waddell_____

Amendment

Amend lines 192, and insert the amendment below:

---OR---

Insert new language between line _____ and line _____, and insert the amendment below:

...3 or more years which operates ~~both~~ either charter schools ~~and~~ or conversion charter schools within the state;

Amendment No. 8 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____Gene Waddell_____

Amendment

Amend lines 210, and insert the amendment below:

---OR---

Insert new language between line _____ and line _____, and insert the amendment below:

Clarification - does "expand operation" mean student growth or a physical expansion?

Amendment No. 8 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____Gene Waddell_____

Substitute Amendment

Amend lines 210, and insert the amendment below:

---OR---

Insert new language between line _____ and line _____, and insert the amendment below:

Charter schools that begin or expand operation by expanding the physical plant after the 2012-13 school year and meet the eligibility...

Amendment No. 9 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____ Elizabeth Haney _____

Amendment

Amend lines _____ 210-213 _____, and insert the amendment below:

---OR---

Insert new language between line _____ and line _____, and insert the amendment below:

210 6. Charter schools that begin or expand operation after the 2012-13 school year, except expansion as
211 specified in a previously executed charter contract with a sponsor or for expansion pursuant to s.1002.331,
212 and meet the eligibility criteria in this section must also meet one of the following conditions in order to be
213 entitled to compulsory capital outlay funding from the school district pursuant to this section:

Amendment No. 10

Form 1: Form to Amend Proposed Bill

Task Force Member Jon "Tom" Rogers

Amendment

On lines 211-219, strike all the language and insert, beginning line 211:

criteria in this subsection shall receive capital outlay funds the first year of operation, after completion of the 20 day count, but no later than October 1.

Amendment No. 11 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____Gene Waddell_____

Amendment

Amend lines 236, and insert the amendment below:

---OR---

Insert new language between line _____ and line _____, and insert the amendment below:

...charter school governing board must include a written ~~enter into a written agreement~~ charter provision that provides for...

Many charters already have this provision and don't need to return to the district to address this.

Amendment No. 12

Form 1: Form to Amend Proposed Bill

Task Force Member Jon "Tom" Rogers

Amendment

On lines 244-248, strike all the language and insert, beginning on line 244:

eligible charter school is determined by multiplying the school's projected student enrollment by one-thirtieth of the average cost per student station pursuant to 1013.64 (6) (b). However, no district shall
be

Amendment No. 13 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member Joyner

Amendment

Amend lines 250, and insert the amendment below:

from the levy of ~~0.25~~ 0.15 mills against the ad valorem taxable value of the district for school purposes. ~~If the~~

--OR--

Insert new language between line _____ and line _____, and insert the amendment below:

For words that you would like to delete indicate by using a ~~strikethrough~~ and for words that you would like to add indicate by underlining.

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____ Joyner _____

Amendment

Delete lines _____ 257-266 _____, and insert the amendment below:

(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 district shall distribute capital outlay funds to eligible charter schools pursuant to an agreement between the school board and the applicable charter school. The agreement must take into account the schedule ad valorem revenues are collected and available, but such collection and schedule shall not be used to delay distribution to eligible charter schools. ~~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.~~

Amendment No. 15 (for staff use)

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member Charles Shaw

Amendment

Strike lines 260-265, and insert the amendment below:

260 district shall distribute the compulsory capital outlay funds in equal monthly
261 installments beginning in the month when the district receives capital
262 outlay funds from the local tax collector. All funds shall be disbursed
263 prior to June 30 of each year.

and renumber subsequent lines if necessary.

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____Linda Champion_____

Amendment

Amend lines _____, and insert the amendment below:

---OR---

Insert new language between line 321 and line 322, and insert the amendment below:

s.1013.64(2)(a)(8) is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

Amendment No. 16 (for staff use)

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.
3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.
4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.
5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.
6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).
7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.
8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of ~~4.5~~ 2.0 mills less compulsory charter school capital outlay payments pursuant to s.1013.62 per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.
9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.
10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).
11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).
12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.
 - (b) The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents.
 - (c) The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session.

TAB F

**Task Force Member Amendments &
Recommendations – Late Filed**

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____ Jon Hage _____

Amendment – Late Filed

Amend lines __210-218__, and insert the amendment below:

---OR---

Insert new language between line _____ and line _____, and insert the amendment below:

6. Charter schools that begin or expand operation after the 2012-13 school year and meet the eligibility

210 criteria in this section must also meet one of the following conditions in order to be entitled to compulsory
211 capital outlay funding from the school district pursuant to this section:

212 i. for new or expanded charter schools addressing a deficiency in student stations identified in a
213 district's educational plant survey pursuant to s.1013.31 or to reduce a charter school's waiting list, the charter
school is entitled to funding for each

214 student station provided that reduces the deficiency.

215 ii. the charter school is established primarily to serve students in the attendance zone of a school
216 identified in need of intervention and support services to replace or assume the operation of a chronically
217 low-achieving school pursuant to s.1008.33(3)(b) in a facility that is not provided and maintained by the
218 school district,

iii. for a new charter school where at least 50% of the parents from the local area sign a petition supporting the creation of a new charter school; or

iv. where the charter school operator is SACS accredited or the charter school would replicate an existing high-performing charter school.

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member Charles Shaw

Amendment – Substitute

Amend line 190, and insert the new language below:

- 190 (a) To be eligible for a funding allocation, a charter school must meet one of the following:
- 191 1. a. Have been in operation for 3 or more years;
- 192 b. Be governed by a governing board established in the state for 3 or more years which operates both
- 193 charter schools and conversion charter schools within the state;
- 194 c. Be an expanded feeder chain of a charter school within the same school district that is currently
- 195 receiving charter school capital outlay funds;
- 196 d. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools;
- 197 or
- 198 e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace
- 199 pursuant to s. 1002.33(15)(b).

For words that you would like to delete indicate by using a ~~strikethrough~~ and for words that you would like to add indicate by underlining.

TAB G

Task Force Member Recommendations

K-12 Public School Facility Funding Task Force Action
Form 1: Form to Amend Proposed Bill

Task Force Member _____ Joyner _____

Amendment

Amend lines 1 - 7, and insert the amendment below:

Delete all lines and insert:

The Task Force supports capital outlay funding for all public schools based on the demonstrated need for student stations. The taxpayer expects that their dollars be distributed based on need and not for duplicative, unnecessary and expensive capital construction.

The Task Force believes that the state must continue to provide funding for capital needs for all public schools, including charter schools, as it has historically done. For example, public schools serve an essential state function in providing shelter for Florida's citizens during hurricanes and other emergencies. In addition, the state has historically funded and must continue funding the capital outlay needs of laboratory schools.

The Task Force supports additional funding sources that are allocated to meet capital needs of all public schools, including, but not limited to:

Internet Sales Tax

Internet cafes – tax and regulate

Expedia bed tax/sales tax

Communication Services Taxes

Eliminate sales tax exemptions

The Task Force supports a modification of or enhancement to PECO to fund the capital outlay needs of all public schools. Items could be added to those on which the tax is currently levied. In addition, the amount levied on the current taxable times could be increased by a rate that will generated the funds necessary to fund capital outlay needs.

The Task Force recommends that any additional revenue appropriated to meet capital outlay needs of all public schools must not be supplanted by a reduction in funding for operations or funding in other education funding categories. These funds must be in addition to and not in lieu of other funds.

The Task Force recommends that existing agreements adopted by school board to limit ad valorem millage increases due to the passage of sales tax initiatives or special facilities program requirements must be honored.

The Task Force recommends that the Department of Education conduct a comprehensive review of SREF requirements and develop recommendations that reduce costs to the taxpayer for construction and maintenance and repair of public schools, while maintaining health and safety requirements.

The Task Force recommends that the Department of Education, in conjunction with the Department of Management Services, review the procurement and competitive bidding requirements contained in statute and rule and develop recommendations for streamlining construction and maintenance and repair projects.

St. Johns County School District

40 Orange Street
St. Augustine, Florida 32084

(904) 547-7500
www.stjohns.k12.fl.us

Joseph G. Joyner, Ed.D.
Superintendent



October 24, 2012

Ms. Linda Champion, Chairperson
K-12 Public School Facility Funding Task Force
Deputy Commissioner, Division of Finance and Operations
Florida Department of Education
Turlington Building
325 West Gaines Street
Tallahassee, FL 32399

Dear Ms. Champion:

Thank you for your leadership in carrying out the duties of Chairperson of the K-12 Public School Facility Funding Task Force. Your work and that of your staff is greatly appreciated by all involved.

Please find attached to this letter various amendments to the latest legislative proposals presented to the Task Force. In general, the amendments cover certain language in F.S. 1002.33 and F.S. 1013.62, as well as the introductory language to those statutes as provided. I am sure you and your staff will find the amendments organized and easily interpreted.

As the Task Force finishes up its assignments, I feel compelled to remind the Task Force, as well as any other interested party of a number of items.

First, the overarching purpose of the Task Force, as outlined in Section 20(1), Ch. 2012-133, Laws of Florida, is to "examine all relevant factors in order to make recommendations to the Legislature for more equitable facility funding for charter schools and schools operated by a school district." It is imperative that the Task Force look outside just amending existing statutory language and explore all available and potential revenue sources in order to identify a stable and reliable state funding source to adequately fund capital requirements for both charter schools and traditional public schools. I do not believe we, as a Task Force, have fully fulfilled that overarching purpose.

Second, the funding of charter school capital outlay is currently a state obligation and not one of local school boards. However, the language changes in the proposal switch that responsibility and burden to the local school boards. Many school boards within the state have several charter schools of various styles and this re-positioning of responsibility will be a major burden on their existing capital programs.

The St. Johns County School District will inspire in all students a passion for lifelong learning, creating educated and caring contributors to the world.

School Board

Beverly Slough
District 1

Tommy Allen
District 2

Bill Mignon
District 3

Bill Fehling
District 4

Carla Wright
District 5

L. Champion
October 24, 2012
Page 2 of 2

Third, the allocation and appropriation for any capital outlay funding should be based on need and not on a per-student basis. I am sensitive to the fact it may be difficult to capture the needs of charter schools on a state-wide basis; however, school boards approve their capital budgets on a needs basis and charter schools should follow in a similar fashion, and their funding should be allocated accordingly.

Finally, the proposal contemplates to some degree, that the schools boards' levy not to exceed .15 mills is offset, or balanced against, the FEFP. I caution against any reduction in operating dollars in order to fund the capital needs of charter schools. In this time of declining property values, declining revenues and the increasing cost of running any kind of school, it is imperative that operating dollars remain sacrosanct.

Again, thank you to you and your staff for their hard work and dedication to the Task Force.

In closing, please find all of my aforementioned amendments to the latest proposal attached to this letter.

Sincerely,



Joseph G. Joyner, Ed.D.
Superintendent of Schools

MD/gcf

Attachments

cc: K-12 Public School Facility Funding Task Force Members

Recommendation No. 2

K-12 Public School Facility Funding Task Force Action

Form 2: Recommendation for Inclusion in the Final Report

Task Force Member Jon "Tom" Rogers offered the following:

Recommendation:

The Task Force recommends that the State Requirements for Education Facilities (SREF) be modified to allow flexibility for school districts similar to the flexibility enjoyed by charter schools. These modifications should be based upon a review by appropriate experts to ensure that they do not create health or safety concerns for district school students.