

By the Committees on Higher Education; and Education Pre-K - 12;  
and Senator Thrasher

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1 A bill to be entitled

2 An act relating to charter schools; amending ss.  
3 163.3180 and 1002.32, F.S.; conforming cross-  
4 references; amending s. 1002.33, F.S.; requiring that  
5 the Department of Education provide or arrange for  
6 training and technical assistance for charter schools;  
7 providing for the designation of charter schools as  
8 high-performing if certain requirements are met;  
9 providing definitions relating to the high-performing  
10 charter school system; revising provisions to conform  
11 to changes made by the act; amending ss. 1002.34,  
12 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-  
13 references; requiring that the Office of Program  
14 Policy Analysis and Government Accountability conduct  
15 a study comparing the funding of charter schools to  
16 the funding of public schools; providing requirements  
17 for the study; requiring that the office submit its  
18 recommendations and findings to the Governor and  
19 Legislature by a specified date; providing for  
20 severability; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Paragraph (e) of subsection (13) of section  
25 163.3180, Florida Statutes, is amended to read:

26 163.3180 Concurrency.—

27 (13) School concurrency shall be established on a  
28 districtwide basis and shall include all public schools in the  
29 district and all portions of the district, whether located in a

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30 municipality or an unincorporated area unless exempt from the  
31 public school facilities element pursuant to s. 163.3177(12).  
32 The application of school concurrency to development shall be  
33 based upon the adopted comprehensive plan, as amended. All local  
34 governments within a county, except as provided in paragraph  
35 (f), shall adopt and transmit to the state land planning agency  
36 the necessary plan amendments, along with the interlocal  
37 agreement, for a compliance review pursuant to s. 163.3184(7)  
38 and (8). The minimum requirements for school concurrency are the  
39 following:

40 (e) *Availability standard.*—Consistent with the public  
41 welfare, a local government may not deny an application for site  
42 plan, final subdivision approval, or the functional equivalent  
43 for a development or phase of a development authorizing  
44 residential development for failure to achieve and maintain the  
45 level-of-service standard for public school capacity in a local  
46 school concurrency management system where adequate school  
47 facilities will be in place or under actual construction within  
48 3 years after the issuance of final subdivision or site plan  
49 approval, or the functional equivalent. School concurrency is  
50 satisfied if the developer executes a legally binding commitment  
51 to provide mitigation proportionate to the demand for public  
52 school facilities to be created by actual development of the  
53 property, including, but not limited to, the options described  
54 in subparagraph 1. Options for proportionate-share mitigation of  
55 impacts on public school facilities must be established in the  
56 public school facilities element and the interlocal agreement  
57 pursuant to s. 163.31777.

58 1. Appropriate mitigation options include the contribution

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59 of land; the construction, expansion, or payment for land  
60 acquisition or construction of a public school facility; the  
61 construction of a charter school that complies with the  
62 requirements of s. 1002.33(21) ~~s. 1002.33(18)~~; or the creation  
63 of mitigation banking based on the construction of a public  
64 school facility in exchange for the right to sell capacity  
65 credits. Such options must include execution by the applicant  
66 and the local government of a development agreement that  
67 constitutes a legally binding commitment to pay proportionate-  
68 share mitigation for the additional residential units approved  
69 by the local government in a development order and actually  
70 developed on the property, taking into account residential  
71 density allowed on the property prior to the plan amendment that  
72 increased the overall residential density. The district school  
73 board must be a party to such an agreement. As a condition of  
74 its entry into such a development agreement, the local  
75 government may require the landowner to agree to continuing  
76 renewal of the agreement upon its expiration.

77 2. If the education facilities plan and the public  
78 educational facilities element authorize a contribution of land;  
79 the construction, expansion, or payment for land acquisition;  
80 the construction or expansion of a public school facility, or a  
81 portion thereof; or the construction of a charter school that  
82 complies with the requirements of s. 1002.33(21) ~~s. 1002.33(18)~~,  
83 as proportionate-share mitigation, the local government shall  
84 credit such a contribution, construction, expansion, or payment  
85 toward any other impact fee or exaction imposed by local  
86 ordinance for the same need, on a dollar-for-dollar basis at  
87 fair market value.

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88           3. Any proportionate-share mitigation must be directed by  
89 the school board toward a school capacity improvement identified  
90 in a financially feasible 5-year district work plan that  
91 satisfies the demands created by the development in accordance  
92 with a binding developer's agreement.

93           4. If a development is precluded from commencing because  
94 there is inadequate classroom capacity to mitigate the impacts  
95 of the development, the development may nevertheless commence if  
96 there are accelerated facilities in an approved capital  
97 improvement element scheduled for construction in year four or  
98 later of such plan which, when built, will mitigate the proposed  
99 development, or if such accelerated facilities will be in the  
100 next annual update of the capital facilities element, the  
101 developer enters into a binding, financially guaranteed  
102 agreement with the school district to construct an accelerated  
103 facility within the first 3 years of an approved capital  
104 improvement plan, and the cost of the school facility is equal  
105 to or greater than the development's proportionate share. When  
106 the completed school facility is conveyed to the school  
107 district, the developer shall receive impact fee credits usable  
108 within the zone where the facility is constructed or any  
109 attendance zone contiguous with or adjacent to the zone where  
110 the facility is constructed.

111           5. This paragraph does not limit the authority of a local  
112 government to deny a development permit or its functional  
113 equivalent pursuant to its home rule regulatory powers, except  
114 as provided in this part.

115           Section 2. Paragraph (c) of subsection (9) of section  
116 1002.32, Florida Statutes, is amended to read:

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117 1002.32 Developmental research (laboratory) schools.—

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

120 (c) All operating funds provided under this section shall  
121 be deposited in a Lab School Trust Fund and shall be expended  
122 for the purposes of this section. The university assigned a lab  
123 school shall be the fiscal agent for these funds, and all rules  
124 of the university governing the budgeting and expenditure of  
125 state funds shall apply to these funds unless otherwise provided  
126 by law or rule of the State Board of Education. The university  
127 board of trustees shall be the public employer of lab school  
128 personnel for collective bargaining purposes for lab schools in  
129 operation prior to the 2002-2003 fiscal year. Employees of  
130 charter lab schools authorized prior to June 1, 2003, but not in  
131 operation prior to the 2002-2003 fiscal year shall be employees  
132 of the entity holding the charter and must comply with the  
133 provisions of s. 1002.33(14) ~~s. 1002.33(12)~~.

134 Section 3. Subsections (6) through (26) of section 1002.33,  
135 Florida Statutes, are amended to read:

136 1002.33 Charter schools.—

137 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
138 applications are subject to the following requirements:

139 (a) A person or entity wishing to open a charter school  
140 shall prepare and submit an application on a model application  
141 form prepared by the Department of Education which:

142 1. Demonstrates how the school will use the guiding  
143 principles and meet the statutorily defined purpose of a charter  
144 school.

145 2. Provides a detailed curriculum plan that illustrates how

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146 students will be provided services to attain the Sunshine State  
147 Standards.

148 3. Contains goals and objectives for improving student  
149 learning and measuring that improvement. These goals and  
150 objectives must indicate how much academic improvement students  
151 are expected to show each year, how success will be evaluated,  
152 and the specific results to be attained through instruction.

153 4. Describes the reading curriculum and differentiated  
154 strategies that will be used for students reading at grade level  
155 or higher and a separate curriculum and strategies for students  
156 who are reading below grade level. A sponsor shall deny a  
157 charter if the school does not propose a reading curriculum that  
158 is consistent with effective teaching strategies that are  
159 grounded in scientifically based reading research.

160 5. Contains an annual financial plan for each year  
161 requested by the charter for operation of the school for up to 5  
162 years. This plan must contain anticipated fund balances based on  
163 revenue projections, a spending plan based on projected revenues  
164 and expenses, and a description of controls that will safeguard  
165 finances and projected enrollment trends.

166 6. Documents that the applicant has participated in the  
167 training required in subparagraph (b)2. ~~(f)2.~~ A sponsor may  
168 require an applicant to provide additional information as an  
169 addendum to the charter school application described in this  
170 paragraph.

171 (b)1. The Department of Education shall provide or arrange  
172 for training and technical assistance to charter schools in  
173 developing business plans and estimating costs and income.  
174 Training and technical assistance shall address estimating

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175 startup costs, projecting enrollment, and identifying the types  
176 and amounts of state and federal financial assistance that the  
177 charter school may be eligible to receive. The department may  
178 provide other technical assistance to an applicant upon written  
179 request.

180 2. A charter school applicant must participate in the  
181 training provided by the Department of Education after approval  
182 of an application, but at least 30 calendar days before the  
183 first day of classes at the charter school. However, a sponsor  
184 may require the charter school applicant to attend training  
185 provided by the sponsor in lieu of the department's training if  
186 the sponsor's training standards meet or exceed the standards  
187 developed by the department. A sponsor may not require a charter  
188 school applicant to attend its training within 30 calendar days  
189 before the first day of classes at the charter school when it  
190 requires the charter school to attend its training in lieu of  
191 the department's training. The training must include instruction  
192 in accurate financial planning and good business practices. If  
193 the applicant is a management company or a nonprofit  
194 organization, the charter school principal and the chief  
195 financial officer or his or her equivalent must also participate  
196 in the training. However, a sponsor may not require a high-  
197 performing charter school or high-performing charter school  
198 system applicant to participate in the training described in  
199 this subparagraph more than once.

200 (c) ~~(b)~~ A sponsor shall receive and review all applications  
201 for a charter school using an evaluation instrument developed by  
202 the Department of Education. Beginning with the 2007-2008 school  
203 year, a sponsor shall receive and consider charter school

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204 applications received on or before August 1 of each calendar  
205 year for charter schools to be opened at the beginning of the  
206 school district's next school year, or to be opened at a time  
207 agreed to by the applicant and the sponsor. A sponsor may  
208 receive applications later than this date if it chooses. A  
209 sponsor may not charge an applicant for a charter any fee for  
210 the processing or consideration of an application, and a sponsor  
211 may not base its consideration or approval of an application  
212 upon the promise of future payment of any kind. Before approving  
213 or denying any application, the sponsor shall allow the  
214 applicant at least 7 calendar days to make technical or  
215 nonsubstantive corrections and clarifications, including, but  
216 not limited to, grammatical, typographical, and like errors or  
217 missing signatures, if such errors are identified by the sponsor  
218 as cause to deny the application.

219 1. In order to facilitate an accurate budget projection  
220 process, a sponsor shall be held harmless for FTE students who  
221 are not included in the FTE projection due to approval of  
222 charter school applications after the FTE projection deadline.  
223 In a further effort to facilitate an accurate budget projection,  
224 within 15 calendar days after receipt of a charter school  
225 application, a sponsor shall report to the Department of  
226 Education the name of the applicant entity, the proposed charter  
227 school location, and its projected FTE.

228 2. In order to ensure fiscal responsibility, an application  
229 for a charter school shall include a full accounting of expected  
230 assets, a projection of expected sources and amounts of income,  
231 including income derived from projected student enrollments and  
232 from community support, and an expense projection that includes



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233 full accounting of the costs of operation, including start-up  
234 costs.

235 3. A sponsor shall by a majority vote approve or deny an  
236 application no later than 60 calendar days after the application  
237 is received, unless the sponsor and the applicant mutually agree  
238 in writing to temporarily postpone the vote to a specific date,  
239 at which time the sponsor shall by a majority vote approve or  
240 deny the application. If the sponsor fails to act on the  
241 application, an applicant may appeal to the State Board of  
242 Education as provided in paragraph (d) ~~paragraph (e)~~. If an  
243 application is denied, the sponsor shall, within 10 calendar  
244 days after such denial, articulate in writing the specific  
245 reasons, based upon good cause, supporting its denial of the  
246 charter application and shall provide the letter of denial and  
247 supporting documentation to the applicant and to the Department  
248 of Education supporting those reasons.

249 4. For budget projection purposes, the sponsor shall report  
250 to the Department of Education the approval or denial of a  
251 charter application within 10 calendar days after such approval  
252 or denial. In the event of approval, the report to the  
253 Department of Education shall include the final projected FTE  
254 for the approved charter school.

255 5. Upon approval of a charter application, the initial  
256 startup shall commence with the beginning of the public school  
257 calendar for the district in which the charter is granted unless  
258 the sponsor allows a waiver of this subparagraph for good cause.

259 (d) ~~(e)~~ An applicant may appeal any denial of that  
260 applicant's application or failure to act on an application to  
261 the State Board of Education no later than 30 calendar days

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262 after receipt of the sponsor's decision or failure to act and  
263 shall notify the sponsor of its appeal. Any response of the  
264 sponsor shall be submitted to the State Board of Education  
265 within 30 calendar days after notification of the appeal. Upon  
266 receipt of notification from the State Board of Education that a  
267 charter school applicant is filing an appeal, the Commissioner  
268 of Education shall convene a meeting of the Charter School  
269 Appeal Commission to study and make recommendations to the State  
270 Board of Education regarding its pending decision about the  
271 appeal. The commission shall forward its recommendation to the  
272 state board no later than 7 calendar days prior to the date on  
273 which the appeal is to be heard. The State Board of Education  
274 shall by majority vote accept or reject the decision of the  
275 sponsor no later than 90 calendar days after an appeal is filed  
276 in accordance with State Board of Education rule. The Charter  
277 School Appeal Commission may reject an appeal submission for  
278 failure to comply with procedural rules governing the appeals  
279 process. The rejection shall describe the submission errors. The  
280 appellant may have up to 15 calendar days from notice of  
281 rejection to resubmit an appeal that meets requirements of State  
282 Board of Education rule. An application for appeal submitted  
283 subsequent to such rejection shall be considered timely if the  
284 original appeal was filed within 30 calendar days after receipt  
285 of notice of the specific reasons for the sponsor's denial of  
286 the charter application. The State Board of Education shall  
287 remand the application to the sponsor with its written decision  
288 that the sponsor approve or deny the application. The sponsor  
289 shall implement the decision of the State Board of Education.  
290 The decision of the State Board of Education is not subject to

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291 the provisions of the Administrative Procedure Act, chapter 120.

292 (e)~~(d)~~ The sponsor shall act upon the decision of the State  
293 Board of Education within 30 calendar days after it is received.  
294 The State Board of Education's decision is a final action  
295 subject to judicial review in the district court of appeal.

296 (f)~~(e)~~1. A Charter School Appeal Commission is established  
297 to assist the commissioner and the State Board of Education with  
298 a fair and impartial review of appeals by applicants whose  
299 charter applications have been denied, whose charter contracts  
300 have not been renewed, or whose charter contracts have been  
301 terminated by their sponsors.

302 2. The Charter School Appeal Commission may receive copies  
303 of the appeal documents forwarded to the State Board of  
304 Education, review the documents, gather other applicable  
305 information regarding the appeal, and make a written  
306 recommendation to the commissioner. The recommendation must  
307 state whether the appeal should be upheld or denied and include  
308 the reasons for the recommendation being offered. The  
309 commissioner shall forward the recommendation to the State Board  
310 of Education no later than 7 calendar days prior to the date on  
311 which the appeal is to be heard. The state board must consider  
312 the commission's recommendation in making its decision, but is  
313 not bound by the recommendation. The decision of the Charter  
314 School Appeal Commission is not subject to the provisions of the  
315 Administrative Procedure Act, chapter 120.

316 3. The commissioner shall appoint the members of the  
317 Charter School Appeal Commission. Members shall serve without  
318 compensation but may be reimbursed for travel and per diem  
319 expenses in conjunction with their service. One-half of the

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320 members must represent currently operating charter schools, and  
321 one-half of the members must represent sponsors. The  
322 commissioner or a named designee shall chair the Charter School  
323 Appeal Commission.

324 4. The chair shall convene meetings of the commission and  
325 shall ensure that the written recommendations are completed and  
326 forwarded in a timely manner. In cases where the commission  
327 cannot reach a decision, the chair shall make the written  
328 recommendation with justification, noting that the decision was  
329 rendered by the chair.

330 5. Commission members shall thoroughly review the materials  
331 presented to them from the appellant and the sponsor. The  
332 commission may request information to clarify the documentation  
333 presented to it. In the course of its review, the commission may  
334 facilitate the postponement of an appeal in those cases where  
335 additional time and communication may negate the need for a  
336 formal appeal and both parties agree, in writing, to postpone  
337 the appeal to the State Board of Education. A new date certain  
338 for the appeal shall then be set based upon the rules and  
339 procedures of the State Board of Education. Commission members  
340 shall provide a written recommendation to the state board as to  
341 whether the appeal should be upheld or denied. A fact-based  
342 justification for the recommendation must be included. The chair  
343 must ensure that the written recommendation is submitted to the  
344 State Board of Education members no later than 7 calendar days  
345 prior to the date on which the appeal is to be heard. Both  
346 parties in the case shall also be provided a copy of the  
347 recommendation.

348 ~~(f)1. The Department of Education shall offer or arrange~~

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349 ~~for training and technical assistance to charter school~~  
350 ~~applicants in developing business plans and estimating costs and~~  
351 ~~income. This assistance shall address estimating startup costs,~~  
352 ~~projecting enrollment, and identifying the types and amounts of~~  
353 ~~state and federal financial assistance the charter school may be~~  
354 ~~eligible to receive. The department may provide other technical~~  
355 ~~assistance to an applicant upon written request.~~

356 ~~2. A charter school applicant must participate in the~~  
357 ~~training provided by the Department of Education before filing~~  
358 ~~an application. However, a sponsor may require the charter~~  
359 ~~school applicant to attend training provided by the sponsor in~~  
360 ~~lieu of the department's training if the sponsor's training~~  
361 ~~standards meet or exceed the standards developed by the~~  
362 ~~Department of Education. The training shall include instruction~~  
363 ~~in accurate financial planning and good business practices. If~~  
364 ~~the applicant is a management company or other nonprofit~~  
365 ~~organization, the charter school principal and the chief~~  
366 ~~financial officer or his or her equivalent must also participate~~  
367 ~~in the training.~~

368 (g) In considering charter applications for a lab school, a  
369 state university shall consult with the district school board of  
370 the county in which the lab school is located. The decision of a  
371 state university may be appealed pursuant to the procedure  
372 established in this subsection.

373 (h) The terms and conditions for the operation of a charter  
374 school shall be set forth by the sponsor and the applicant in a  
375 written contractual agreement, called a charter. The sponsor  
376 shall not impose unreasonable rules or regulations that violate  
377 the intent of giving charter schools greater flexibility to meet

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378 educational goals. The sponsor shall have 60 days to provide an  
379 initial proposed charter contract to the charter school. The  
380 applicant and the sponsor shall have 75 days thereafter to  
381 negotiate and notice the charter contract for final approval by  
382 the sponsor unless both parties agree to an extension. The  
383 proposed charter contract shall be provided to the charter  
384 school at least 7 calendar days before ~~prior to~~ the date of the  
385 meeting at which the charter is scheduled to be voted upon by  
386 the sponsor. The Department of Education shall provide mediation  
387 services for any dispute regarding this section subsequent to  
388 the approval of a charter application and for any dispute  
389 relating to the approved charter, except disputes regarding  
390 charter school application denials. If the Commissioner of  
391 Education determines that the dispute cannot be settled through  
392 mediation, the dispute may be appealed to an administrative law  
393 judge appointed by the Division of Administrative Hearings. The  
394 administrative law judge may rule on issues of equitable  
395 treatment of the charter school as a public school, whether  
396 proposed provisions of the charter violate the intended  
397 flexibility granted charter schools by statute, or on any other  
398 matter regarding this section except a charter school  
399 application denial, a charter termination, or a charter  
400 nonrenewal and shall award the prevailing party reasonable  
401 attorney's fees and costs incurred to be paid by the losing  
402 party. The costs of the administrative hearing shall be paid by  
403 the party whom the administrative law judge rules against.

404 (7) CHARTER.—The major issues involving the operation of a  
405 charter school shall be considered in advance and written into  
406 the charter. The charter shall be signed by the governing body

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407 of the charter school and the sponsor, following a public  
408 hearing to ensure community input.

409 (a) The charter shall address and criteria for approval of  
410 the charter shall be based on:

411 1. The school's mission, the students to be served, and the  
412 ages and grades to be included.

413 2. The focus of the curriculum, the instructional methods  
414 to be used, any distinctive instructional techniques to be  
415 employed, and identification and acquisition of appropriate  
416 technologies needed to improve educational and administrative  
417 performance which include a means for promoting safe, ethical,  
418 and appropriate uses of technology which comply with legal and  
419 professional standards. The charter shall ensure that reading is  
420 a primary focus of the curriculum and that resources are  
421 provided to identify and provide specialized instruction for  
422 students who are reading below grade level. The curriculum and  
423 instructional strategies for reading must be consistent with the  
424 Sunshine State Standards and grounded in scientifically based  
425 reading research.

426 3. The current incoming baseline standard of student  
427 academic achievement, the outcomes to be achieved, and the  
428 method of measurement that will be used. The criteria listed in  
429 this subparagraph shall include a detailed description of:

430 a. How the baseline student academic achievement levels and  
431 prior rates of academic progress will be established.

432 b. How these baseline rates will be compared to rates of  
433 academic progress achieved by these same students while  
434 attending the charter school.

435 c. To the extent possible, how these rates of progress will

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436 be evaluated and compared with rates of progress of other  
437 closely comparable student populations.

438

439 The district school board is required to provide academic  
440 student performance data to charter schools for each of their  
441 students coming from the district school system, as well as  
442 rates of academic progress of comparable student populations in  
443 the district school system.

444 4. The methods used to identify the educational strengths  
445 and needs of students and how well educational goals and  
446 performance standards are met by students attending the charter  
447 school. The methods shall provide a means for the charter school  
448 to ensure accountability to its constituents by analyzing  
449 student performance data and by evaluating the effectiveness and  
450 efficiency of its major educational programs. Students in  
451 charter schools shall, at a minimum, participate in the  
452 statewide assessment program created under s. 1008.22.

453 5. In secondary charter schools, a method for determining  
454 that a student has satisfied the requirements for graduation in  
455 s. 1003.428, s. 1003.429, or s. 1003.43.

456 6. A method for resolving conflicts between the governing  
457 body of the charter school and the sponsor.

458 7. The admissions procedures and dismissal procedures,  
459 including the school's code of student conduct.

460 8. The ways by which the school will achieve a  
461 racial/ethnic balance reflective of the community it serves or  
462 within the racial/ethnic range of other public schools in the  
463 same school district.

464 9. The financial and administrative management of the



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465 school, including a ~~reasonable~~ demonstration of the professional  
466 experience or competence of those individuals or organizations  
467 applying to operate the charter school or those hired or  
468 retained to perform such professional services and the  
469 description of clearly delineated responsibilities and the  
470 policies and practices needed to effectively manage the charter  
471 school. A description of internal audit procedures and  
472 establishment of controls to ensure that financial resources are  
473 properly managed must be included. Both public sector and  
474 private sector professional experience shall be equally valid in  
475 such a consideration.

476 10. The asset and liability projections required in the  
477 application which are incorporated into the charter and shall be  
478 compared with information provided in the annual report of the  
479 charter school.

480 11. A description of procedures that identify various risks  
481 and provide for a comprehensive approach to reduce the impact of  
482 losses; plans to ensure the safety and security of students and  
483 staff; plans to identify, minimize, and protect others from  
484 violent or disruptive student behavior; and the manner in which  
485 the school will be insured, including whether or not the school  
486 will be required to have liability insurance, and, if so, the  
487 terms and conditions thereof and the amounts of coverage.

488 12. The term of the charter which shall provide for  
489 cancellation of the charter if insufficient progress has been  
490 made in attaining the student achievement objectives of the  
491 charter and if it is not likely that such objectives can be  
492 achieved before expiration of the charter. The initial term of a  
493 charter shall be for ~~4~~ or 5 years, unless the charter meets the

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494 requirements of a high-performing charter school system pursuant  
495 to subsection (11). ~~In order to facilitate access to long-term~~  
496 ~~financial resources for charter school construction,~~ Charter  
497 schools ~~that are operated by a municipality or other public~~  
498 ~~entity as provided by law~~ are eligible for up to a 15-year  
499 charter, subject to approval by the district school board. A  
500 charter lab school is eligible for a charter for a term of up to  
501 15 years. ~~In addition, to facilitate access to long-term~~  
502 ~~financial resources for charter school construction, charter~~  
503 ~~schools that are operated by a private, not-for-profit, s.~~  
504 ~~501(c)(3) status corporation are eligible for up to a 15-year~~  
505 ~~charter, subject to approval by the district school board.~~ Such  
506 long-term charters remain subject to annual review and may be  
507 terminated during the term of the charter, but only according to  
508 the provisions set forth in subsection (8).

509 13. The facilities to be used and their location.

510 14. The qualifications to be required of the teachers and  
511 the potential strategies used to recruit, hire, train, and  
512 retain qualified staff to achieve best value.

513 15. The governance structure of the school, including the  
514 status of the charter school as a public or private employer as  
515 required in paragraph (14)(i) ~~(12)(i)~~.

516 16. A timetable for implementing the charter which  
517 addresses the implementation of each element thereof and the  
518 date by which the charter shall be awarded in order to meet this  
519 timetable.

520 17. In the case of an existing public school that is being  
521 converted to charter status, alternative arrangements for  
522 current students who choose not to attend the charter school and

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523 for current teachers who choose not to teach in the charter  
524 school after conversion in accordance with the existing  
525 collective bargaining agreement or district school board rule in  
526 the absence of a collective bargaining agreement. However,  
527 alternative arrangements shall not be required for current  
528 teachers who choose not to teach in a charter lab school, except  
529 as authorized by the employment policies of the state university  
530 which grants the charter to the lab school.

531 18. Full disclosure of the identity of all relatives  
532 employed by the charter school who are related to the charter  
533 school owner, president, chairperson of the governing board of  
534 directors, superintendent, governing board member, principal,  
535 assistant principal, or any other person employed by the charter  
536 school who has equivalent decisionmaking authority. For the  
537 purpose of this subparagraph, the term "relative" means father,  
538 mother, son, daughter, brother, sister, uncle, aunt, first  
539 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
540 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
541 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
542 stepsister, half brother, or half sister.

543 (b)1. A charter may be renewed provided that a program  
544 review demonstrates that the criteria in paragraph (a) have been  
545 successfully accomplished and that none of the grounds for  
546 nonrenewal established by paragraph (8) (a) has been documented.  
547 In order to facilitate long-term financing for charter school  
548 construction, charter schools operating for a minimum of 3 years  
549 and demonstrating exemplary academic programming and fiscal  
550 management are eligible for a 15-year charter renewal. Such  
551 long-term charter is subject to annual review and may be

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552 terminated during the term of the charter.

553 2. The 15-year charter renewal that may be granted pursuant  
554 to subparagraph 1. shall be granted to a charter school that has  
555 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
556 3 of the past 4 years and is not in a state of financial  
557 emergency or deficit position as defined by this section. Such  
558 long-term charter is subject to annual review and may be  
559 terminated during the term of the charter pursuant to subsection  
560 (8).

561 (c) A charter may be modified during its initial term or  
562 any renewal term upon the recommendation of the sponsor or the  
563 charter school governing board and the approval of both parties  
564 to the agreement.

565 (d) The sponsor may not require that board members of the  
566 charter school reside in the district in which the charter  
567 school is located and shall allow charter school management  
568 personnel to represent the charter school board if such  
569 representation has been approved by the charter school board.

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

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

573 1. Failure to participate in the state's education  
574 accountability system created in s. 1008.31, as required in this  
575 section, or failure to meet the requirements for student  
576 performance stated in the charter.

577 2. Failure to meet generally accepted standards of fiscal  
578 management.

579 3. Violation of law.

580 4. Other good cause shown.

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581           (b) Before ~~At least 90 days prior to~~ renewing or  
582 terminating a charter, the sponsor shall notify the governing  
583 body of the school of the proposed action in writing. The notice  
584 shall state in reasonable detail the grounds for the proposed  
585 action and stipulate that the school's governing body may,  
586 within 14 calendar days after receiving the notice, file a  
587 request for a an informal hearing with the sponsor pursuant to  
588 chapter 120 before the sponsor. The matter shall proceed  
589 pursuant to chapter 120. The sponsor shall conduct the informal  
590 hearing within 30 calendar days after receiving a written  
591 request.

592           (c) The final order issued by the sponsor must include the  
593 specific reasons for nonrenewal or termination of the charter  
594 and shall be provided to the charter school governing body and  
595 the Department of Education within 10 calendar days after the  
596 final order is issued. If a charter is not renewed or is  
597 terminated pursuant to paragraph (b), the sponsor shall, within  
598 10 calendar days, articulate in writing the specific reasons for  
599 its nonrenewal or termination of the charter and must provide  
600 the letter of nonrenewal or termination and documentation  
601 supporting the reasons to the charter school governing body, the  
602 charter school principal, and the Department of Education. The  
603 charter school's governing body may, within 30 calendar days  
604 after receiving the sponsor's final order written decision to  
605 refuse to renew or to terminate the charter, appeal the decision  
606 pursuant to the procedure established in subsection (6).

607           (d) A charter may be terminated immediately if the sponsor  
608 determines that good cause has been shown or if the health,  
609 safety, or welfare of the students is threatened. The sponsor's

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610 determination is ~~not~~ subject to the same process as set forth in  
611 paragraphs ~~an informal hearing under paragraph~~ (b) and (c), with  
612 the exception that the sponsor's determination may take effect  
613 immediately or at a subsequently identified time ~~or pursuant to~~  
614 ~~chapter 120~~. The sponsor shall notify in writing the charter  
615 school's governing body, the charter school principal, and the  
616 department if a charter is immediately terminated as soon as  
617 reasonably possible. The sponsor shall clearly identify the  
618 specific issues that resulted in the immediate termination and  
619 provide evidence of prior notification of issues resulting in  
620 the immediate termination when appropriate. The charter school's  
621 governing board has 10 days to request a hearing pursuant to s.  
622 120.569. The hearing in such cases shall be expedited, and the  
623 final order shall be issued no more than 45 days after the date  
624 upon which the hearing is requested. ~~The school district in~~  
625 which the charter school is located shall assume operation of  
626 the school under these circumstances. The charter school's  
627 governing board may, within 30 days after receiving the  
628 sponsor's decision to terminate the charter, appeal the decision  
629 pursuant to the procedure established in subsection (6). The  
630 sponsor shall assume and continue operation of the school  
631 pending appeal to the State Board of Education under subsection  
632 (6), unless the continued operation of the school would  
633 materially threaten the physical health, safety, or welfare of  
634 the students. A sponsor that fails to assume and to continue  
635 operation of the charter school is liable for attorney's fees  
636 and costs to the charter school if the charter school prevails  
637 on appeal to the State Board of Education.

638 (e) When a charter is not renewed or is terminated, the

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639 school shall be dissolved under the provisions of law under  
640 which the school was organized, and any unencumbered public  
641 funds, except for capital outlay funds and federal charter  
642 school program grant funds, from the charter school shall revert  
643 to the sponsor. Capital outlay funds provided pursuant to s.  
644 1013.62 and federal charter school program grant funds that are  
645 unencumbered shall revert to the department to be redistributed  
646 among eligible charter schools. In the event a charter school is  
647 dissolved or is otherwise terminated, all district school board  
648 property and improvements, furnishings, and equipment purchased  
649 with public funds shall automatically revert to full ownership  
650 by the district school board, subject to complete satisfaction  
651 of any lawful liens or encumbrances. Any unencumbered public  
652 funds from the charter school, district school board property  
653 and improvements, furnishings, and equipment purchased with  
654 public funds, or financial or other records pertaining to the  
655 charter school, in the possession of any person, entity, or  
656 holding company, other than the charter school, shall be held in  
657 trust upon the district school board's request, until any appeal  
658 status is resolved.

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

667 (g) If a charter is not renewed or is terminated, a student

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668 who attended the school may apply to, and shall be enrolled in,  
669 another public school. Normal application deadlines shall be  
670 disregarded under such circumstances.

671 (9) CHARTER SCHOOL REQUIREMENTS.—

672 (a) A charter school shall be nonsectarian in its programs,  
673 admission policies, employment practices, and operations.

674 (b) A charter school shall admit students as provided in  
675 subsection (12) ~~(10)~~.

676 (c) A charter school shall be accountable to its sponsor  
677 for performance as provided in subsection (7).

678 (d) A charter school may ~~shall~~ not charge tuition or  
679 registration fees, except those fees normally charged by other  
680 public schools. However, a charter lab school may charge a  
681 student activity and service fee as authorized by s. 1002.32(5).

682 (e) A charter school shall meet all applicable state and  
683 local health, safety, and civil rights requirements.

684 (f) A charter school may ~~shall~~ not violate the  
685 antidiscrimination provisions of s. 1000.05.

686 (g) In order to provide financial information that is  
687 comparable to that reported for other public schools, charter  
688 schools are to maintain all financial records that constitute  
689 their accounting system:

690 1. In accordance with the accounts and codes prescribed in  
691 the most recent issuance of the publication titled "Financial  
692 and Program Cost Accounting and Reporting for Florida Schools";  
693 or

694 2. At the discretion of the charter school governing board,  
695 a charter school may elect to follow generally accepted  
696 accounting standards for not-for-profit organizations, but must



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697 reformat this information for reporting according to this  
698 paragraph.

699

700 Charter schools shall provide annual financial report and  
701 program cost report information in the state-required formats  
702 for inclusion in district reporting in compliance with s.  
703 1011.60(1). Charter schools that are operated by a municipality  
704 or are a component unit of a parent nonprofit organization may  
705 use the accounting system of the municipality or the parent but  
706 must reformat this information for reporting according to this  
707 paragraph. A charter school shall provide a monthly financial  
708 statement to the sponsor; however, if the charter school is  
709 designated as a high-performing charter school under subsection  
710 (10) or is part of a high-performing charter school system under  
711 subsection (11), it shall provide a quarterly financial  
712 statement. The ~~monthly~~ financial statement required under this  
713 paragraph shall be in a form prescribed by the Department of  
714 Education.

715 (h) The governing board of the charter school shall  
716 annually adopt and maintain an operating budget.

717 (i) The governing body of the charter school shall exercise  
718 continuing oversight over charter school operations.

719 (j) The governing body of the charter school shall be  
720 responsible for:

721 1. Ensuring that the charter school has retained the  
722 services of a certified public accountant or auditor for the  
723 annual financial audit, pursuant to s. 1002.345(2), who shall  
724 submit the report to the governing body.

725 2. Reviewing and approving the audit report, including

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726 audit findings and recommendations for the financial recovery  
727 plan.

728 3.a. Performing the duties in s. 1002.345, including  
729 monitoring a corrective action plan.

730 b. Monitoring a financial recovery plan in order to ensure  
731 compliance.

732 4. Participating in governance training approved by the  
733 department which must include government in the sunshine,  
734 conflicts of interest, ethics, and financial responsibility.

735 (k) The governing body of the charter school shall report  
736 its progress annually to its sponsor, which shall forward the  
737 report to the Commissioner of Education at the same time as  
738 other annual school accountability reports. The Department of  
739 Education shall develop a uniform, online annual accountability  
740 report to be completed by charter schools. This report shall be  
741 easy to utilize and contain demographic information, student  
742 performance data, and financial accountability information. A  
743 charter school shall not be required to provide information and  
744 data that is duplicative and already in the possession of the  
745 department. The Department of Education shall include in its  
746 compilation a notation if a school failed to file its report by  
747 the deadline established by the department. The report shall  
748 include at least the following components:

749 1. Student achievement performance data, including the  
750 information required for the annual school report and the  
751 education accountability system governed by ss. 1008.31 and  
752 1008.345. Charter schools are subject to the same accountability  
753 requirements as other public schools, including reports of  
754 student achievement information that links baseline student data

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755 to the school's performance projections identified in the  
756 charter. The charter school shall identify reasons for any  
757 difference between projected and actual student performance.

758 2. Financial status of the charter school which must  
759 include revenues and expenditures at a level of detail that  
760 allows for analysis of the charter school's ability to meet  
761 financial obligations and timely repayment of debt.

762 3. Documentation of the facilities in current use and any  
763 planned facilities for use by the charter school for instruction  
764 of students, administrative functions, or investment purposes.

765 4. Descriptive information about the charter school's  
766 personnel, including salary and benefit levels of charter school  
767 employees, the proportion of instructional personnel who hold  
768 professional or temporary certificates, and the proportion of  
769 instructional personnel teaching in-field or out-of-field.

770 (l) A charter school shall not levy taxes or issue bonds  
771 secured by tax revenues.

772 (m) A charter school shall provide instruction for at least  
773 the number of days required by law for other public schools and  
774 may provide instruction for additional days.

775 (n) The director and a representative of the governing body  
776 of a charter school that has received a school grade of "D"  
777 under s. 1008.34(2) shall appear before the sponsor or the  
778 sponsor's staff at least once a year to present information  
779 concerning each contract component having noted deficiencies.  
780 The sponsor shall communicate at the meeting, and in writing to  
781 the director, the services provided to the school to help the  
782 school address its deficiencies.

783 (o) Upon notification that a charter school receives a

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784 school grade of "D" for 2 consecutive years or a school grade of  
785 "F" under s. 1008.34(2), the charter school sponsor or the  
786 sponsor's staff shall require the director and a representative  
787 of the governing body to submit to the sponsor for approval a  
788 school improvement plan to raise student achievement and to  
789 implement the plan. The sponsor has the authority to approve a  
790 school improvement plan that the charter school will implement  
791 in the following school year. The sponsor may also consider the  
792 State Board of Education's recommended action pursuant to s.  
793 1008.33(1) as part of the school improvement plan. The  
794 Department of Education shall offer technical assistance and  
795 training to the charter school and its governing body and  
796 establish guidelines for developing, submitting, and approving  
797 such plans.

798 1. If the charter school fails to improve its student  
799 performance from the year immediately prior to the  
800 implementation of the school improvement plan, the sponsor shall  
801 place the charter school on probation and shall require the  
802 charter school governing body to take one of the following  
803 corrective actions:

804 a. Contract for the educational services of the charter  
805 school;

806 b. Reorganize the school at the end of the school year  
807 under a new director or principal who is authorized to hire new  
808 staff and implement a plan that addresses the causes of  
809 inadequate progress; or

810 c. Reconstitute the charter school.

811 2. A charter school that is placed on probation shall  
812 continue the corrective actions required under subparagraph 1.

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813 until the charter school improves its student performance from  
814 the year prior to the implementation of the school improvement  
815 plan.

816 3. Notwithstanding any provision of this paragraph, the  
817 sponsor may terminate the charter at any time pursuant to  
818 subsection (8).

819 (p) The director and a representative of the governing body  
820 of a graded charter school that has submitted a school  
821 improvement plan or has been placed on probation under paragraph  
822 (o) shall appear before the sponsor or the sponsor's staff at  
823 least once a year to present information regarding the  
824 corrective strategies that are being implemented by the school  
825 pursuant to the school improvement plan. The sponsor shall  
826 communicate at the meeting, and in writing to the director, the  
827 services provided to the school to help the school address its  
828 deficiencies.

829 (10) HIGH-PERFORMING CHARTER SCHOOLS.-

830 (a) A charter school shall be designated as a high-  
831 performing charter school if:

832 1. During each of the previous 3 years the charter school:

833 a. Received a school grade of "A" or "B";

834 b. Received an unqualified opinion on each financial audit  
835 required under s. 218.39; and

836 c. Did not receive a financial audit that revealed one or  
837 more of the conditions set forth in s. 218.503(1); however, the  
838 condition is deemed met for a charter school-in-the-workplace if  
839 there is a finding in an audit that the school has the monetary  
840 resources available to cover any reported deficiency or that the  
841 deficiency does not result in a deteriorating financial

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842 condition pursuant to s. 1002.345(1)(a)3.

843 2. The charter school has been in operation for less than 3  
844 years and is operated by a high-performing charter school system  
845 pursuant to subsection (11). These charter schools may receive  
846 capital outlay funds in their first year pursuant to s. 1013.62  
847 and are not required to comply with s. 1013.62(1)(a)1.-3.

848 (b) If the charter school maintains compliance with s.  
849 1002.33(18)(b)3., a high-performing charter school may:

850 1. Increase the school's student enrollment once per year  
851 by up to 25 percent more than the capacity authorized pursuant  
852 to paragraph (12)(i).

853 2. Expand to any grade level within kindergarten through  
854 grade 12, if not already serving such grades.

855 3. Offer voluntary prekindergarten education pursuant to  
856 ss. 1002.51-1002.79.

857 (c) A high-performing charter school shall receive a 15-  
858 year charter renewal upon expiration of the current charter.

859 (d) The high-performing charter school designation shall be  
860 removed if the charter school does not continue to meet the  
861 requirements in paragraph (a).

862 (11) HIGH-PERFORMING CHARTER SCHOOL SYSTEM.—

863 (a)1. For purposes of this subsection, the term:

864 a. "Entity" means a municipality or other public entity as  
865 authorized by law to operate a charter school; a private, not-  
866 for-profit, s. 501(c)(3) status corporation; or a private, for-  
867 profit corporation.

868 b. "High-performing charter school system" means an entity  
869 that:

870 (I) Operates at least three high-performing charter schools

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871 in this state;

872 (II) Has received a systemwide average grade of "A" or "B"  
873 during the previous 3 years for all charter schools created or  
874 started by the entity;

875 (III) Has not received a financial audit for any school  
876 created or started by the entity which reveals one or more of  
877 the conditions set forth in s. 218.503(1); and

878 (IV) Has not received a school grade of "F" during any of  
879 the previous 2 years for any charter school operated by the  
880 entity in the state, except for a charter school taken over or  
881 managed by, but not created or started by, the entity, in which  
882 case the entity loses its high-performing designation if the  
883 charter school receives a school grade of "F" in 3 out of 5  
884 years.

885 (b) A high-performing charter school system may apply to  
886 establish and operate a new charter school in any district in  
887 the state which will substantially replicate one or more of the  
888 provider's existing high-performing charter schools.

889 1. A local school district may deny a charter application  
890 from an operator of a high-performing charter school system only  
891 if good cause is shown that the operator fails to materially  
892 meet established charter school requirements pursuant to  
893 subsection (9). The charter applicant may appeal, as provided in  
894 subsection (6). The district is liable to the charter applicant  
895 for attorney's fees and costs if the charter applicant prevails  
896 on appeal. The State Board of Education may additionally  
897 sanction the district with any penalties under s. 1008.32(4) if  
898 the state board determines that the district has a pattern of  
899 unlawfully denying a high-performing charter system from

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900 replicating a high-performing charter school.

901 2. The new charter school shall receive an initial charter  
902 for a term of 15 years, shall be designated as a high-performing  
903 charter school for the first 3 years of the charter, and shall  
904 receive charter school capital outlay funds under s. 1013.62.  
905 The school is not required to comply with s. 1013.62(1)(a)1.-3.,  
906 but must comply with any other requirements in s. 1013.62 to  
907 receive charter school capital outlay funds as provided in this  
908 subparagraph.

909 3. The designation as a high-performing charter school  
910 system shall be removed if the system does not continue to meet  
911 the requirements in paragraph (a).

912  
913 This paragraph does not waive a district school board's  
914 sovereign immunity.

915 (12)~~(10)~~ ELIGIBLE STUDENTS.-

916 (a) A charter school shall be open to any student covered  
917 in an interdistrict agreement or residing in the school district  
918 in which the charter school is located; however, in the case of  
919 a charter lab school, the charter lab school shall be open to  
920 any student eligible to attend the lab school as provided in s.  
921 1002.32 or who resides in the school district in which the  
922 charter lab school is located. Any eligible student shall be  
923 allowed interdistrict transfer to attend a charter school when  
924 based on good cause. Good cause shall include, but is not  
925 limited to, geographic proximity to a charter school in a  
926 neighboring school district.

927 (b) The charter school shall enroll an eligible student who  
928 submits a timely application, unless the number of applications



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929 exceeds the capacity of a program, class, grade level, or  
930 building. In such case, all applicants shall have an equal  
931 chance of being admitted through a random selection process.

932 (c) When a public school converts to charter status,  
933 enrollment preference shall be given to students who would have  
934 otherwise attended that public school. The district school board  
935 shall consult and negotiate with the conversion charter school  
936 every 3 years to determine whether realignment of the conversion  
937 charter school's attendance zone is appropriate in order to  
938 ensure that students residing closest to the charter school are  
939 provided with an enrollment preference.

940 (d) A charter school may give enrollment preference to the  
941 following student populations:

942 1. Students who are siblings of a student enrolled in the  
943 charter school.

944 2. Students who are the children of a member of the  
945 governing board of the charter school.

946 3. Students who are the children of an employee of the  
947 charter school.

948 4. Students who are the children of:

949 a. An employee of a business partner, or a resident of a  
950 municipality, who complies with paragraph (17) (b) for a charter  
951 school-in-the-workplace; or

952 b. A resident of a municipality that operates a charter  
953 school-in-a-municipality pursuant to paragraph (17) (c).

954 5. Students enrolling in a charter school-in-the-workplace  
955 or charter school-in-a-municipality established pursuant to this  
956 section.

957 (e) A charter school may limit the enrollment process only

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958 to target the following student populations:

959 1. Students within specific age groups or grade levels.

960 2. Students considered at risk of dropping out of school or  
961 academic failure. Such students shall include exceptional  
962 education students.

963 3. Students enrolling in a charter school-in-the-workplace  
964 or charter school-in-a-municipality established pursuant to  
965 subsection (17) ~~(15)~~.

966 4. Students residing within a reasonable distance of the  
967 charter school, as described in paragraph (23) (c) ~~(20) (e)~~. Such  
968 students are ~~shall be~~ subject to a random lottery and to the  
969 racial/ethnic balance provisions described in subparagraph  
970 (7) (a)8. or any federal provisions that require a school to  
971 achieve a racial/ethnic balance reflective of the community it  
972 serves or within the racial/ethnic range of other public schools  
973 in the same school district.

974 5. Students who meet reasonable academic, artistic, or  
975 other eligibility standards established by the charter school  
976 and included in the charter school application and charter or,  
977 in the case of existing charter schools, standards that are  
978 consistent with the school's mission and purpose. Such standards  
979 shall be in accordance with current state law and practice in  
980 public schools and may not discriminate against otherwise  
981 qualified individuals.

982 6. Students articulating from one charter school to another  
983 pursuant to an articulation agreement between the charter  
984 schools that has been approved by the sponsor.

985 (f) Students with disabilities and students served in  
986 English for Speakers of Other Languages programs shall have an

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987 equal opportunity of being selected for enrollment in a charter  
988 school.

989 (g) A student may withdraw from a charter school at any  
990 time and enroll in another public school as determined by  
991 district school board rule.

992 (h) The capacity of the charter school shall be determined  
993 annually by the governing board, in conjunction with the  
994 sponsor, of the charter school in consideration of the factors  
995 identified in this subsection unless the charter school is  
996 designated as a high-performing charter school under subsection  
997 (10). A sponsor may not require a charter school to waive the  
998 provisions in paragraph (10)(b) or require a student enrollment  
999 cap that prohibits a high-performing charter school from  
1000 increasing enrollment in accordance with paragraph (10)(b) as a  
1001 condition of approval or renewal of a charter.

1002 (i) The capacity of a high-performing charter school  
1003 pursuant to subsection (10) shall be determined annually by the  
1004 governing board of the charter school. The governing board shall  
1005 notify the sponsor of any increase in enrollment by March 1 of  
1006 the school year preceding the increase.

1007 (13)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
1008 ACTIVITIES.-A charter school student is eligible to participate  
1009 in an interscholastic extracurricular activity at the public  
1010 school to which the student would be otherwise assigned to  
1011 attend pursuant to s. 1006.15(3)(d).

1012 (14)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.-

1013 (a) A charter school shall select its own employees. A  
1014 charter school may contract with its sponsor for the services of  
1015 personnel employed by the sponsor.

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1016 (b) Charter school employees shall have the option to  
1017 bargain collectively. Employees may collectively bargain as a  
1018 separate unit or as part of the existing district collective  
1019 bargaining unit as determined by the structure of the charter  
1020 school.

1021 (c) The employees of a conversion charter school shall  
1022 remain public employees for all purposes, unless such employees  
1023 choose not to do so.

1024 (d) The teachers at a charter school may choose to be part  
1025 of a professional group that subcontracts with the charter  
1026 school to operate the instructional program under the auspices  
1027 of a partnership or cooperative that they collectively own.  
1028 Under this arrangement, the teachers would not be public  
1029 employees.

1030 (e) Employees of a school district may take leave to accept  
1031 employment in a charter school upon the approval of the district  
1032 school board. While employed by the charter school and on leave  
1033 that is approved by the district school board, the employee may  
1034 retain seniority accrued in that school district and may  
1035 continue to be covered by the benefit programs of that school  
1036 district, if the charter school and the district school board  
1037 agree to this arrangement and its financing. School districts  
1038 may shall not require resignations from instructional personnel,  
1039 school administrators, or educational support employees who  
1040 desire employment of teachers desiring to teach in a charter  
1041 school. This paragraph does shall not prohibit a district school  
1042 board from approving alternative leave arrangements consistent  
1043 with chapter 1012.

1044 (f) Teachers employed by or under contract to a charter

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1045 school shall be certified as required by chapter 1012. A charter  
1046 school governing board may employ or contract with skilled  
1047 selected noncertified personnel to provide instructional  
1048 services or to assist instructional staff members as education  
1049 paraprofessionals in the same manner as defined in chapter 1012,  
1050 and as provided by State Board of Education rule for charter  
1051 school governing boards. A charter school may not knowingly  
1052 employ an individual to provide instructional services or to  
1053 serve as an education paraprofessional if the individual's  
1054 certification or licensure as an educator is suspended or  
1055 revoked by this or any other state. A charter school may not  
1056 knowingly employ an individual who has resigned from a school  
1057 district in lieu of disciplinary action with respect to child  
1058 welfare or safety, or who has been dismissed for just cause by  
1059 any school district with respect to child welfare or safety. The  
1060 qualifications of teachers shall be disclosed to parents.

1061 (g)1. A charter school shall employ or contract with  
1062 employees who have undergone background screening as provided in  
1063 s. 1012.32. Members of the governing board of the charter school  
1064 shall also undergo background screening in a manner similar to  
1065 that provided in s. 1012.32.

1066 2. A charter school shall disqualify instructional  
1067 personnel and school administrators, as defined in s. 1012.01,  
1068 from employment in any position that requires direct contact  
1069 with students if the personnel or administrators are ineligible  
1070 for such employment under s. 1012.315.

1071 3. The governing board of a charter school shall adopt  
1072 policies establishing standards of ethical conduct for  
1073 instructional personnel and school administrators. The policies

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1074 must require all instructional personnel and school  
1075 administrators, as defined in s. 1012.01, to complete training  
1076 on the standards; establish the duty of instructional personnel  
1077 and school administrators to report, and procedures for  
1078 reporting, alleged misconduct by other instructional personnel  
1079 and school administrators which affects the health, safety, or  
1080 welfare of a student; and include an explanation of the  
1081 liability protections provided under ss. 39.203 and 768.095. A  
1082 charter school, or any of its employees, may not enter into a  
1083 confidentiality agreement regarding terminated or dismissed  
1084 instructional personnel or school administrators, or personnel  
1085 or administrators who resign in lieu of termination, based in  
1086 whole or in part on misconduct that affects the health, safety,  
1087 or welfare of a student, and may not provide instructional  
1088 personnel or school administrators with employment references or  
1089 discuss the personnel's or administrators' performance with  
1090 prospective employers in another educational setting, without  
1091 disclosing the personnel's or administrators' misconduct. Any  
1092 part of an agreement or contract that has the purpose or effect  
1093 of concealing misconduct by instructional personnel or school  
1094 administrators which affects the health, safety, or welfare of a  
1095 student is void, is contrary to public policy, and may not be  
1096 enforced.

1097 4. Before employing instructional personnel or school  
1098 administrators in any position that requires direct contact with  
1099 students, a charter school shall conduct employment history  
1100 checks of each of the personnel's or administrators' previous  
1101 employers, screen the instructional personnel or school  
1102 administrators through use of the educator screening tools

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1103 described in s. 1001.10(5), and document the findings. If unable  
1104 to contact a previous employer, the charter school must document  
1105 efforts to contact the employer.

1106 5. The sponsor of a charter school that knowingly fails to  
1107 comply with this paragraph shall terminate the charter under  
1108 subsection (8).

1109 (h) For the purposes of tort liability, the governing body  
1110 and employees of a charter school shall be governed by s.  
1111 768.28.

1112 (i) A charter school shall organize as, or be operated by,  
1113 a nonprofit organization. A charter school may be operated by a  
1114 municipality or other public entity as provided for by law. As  
1115 such, the charter school may be either a private or a public  
1116 employer. As a public employer, a charter school may participate  
1117 in the Florida Retirement System upon application and approval  
1118 as a "covered group" under s. 121.021(34). If a charter school  
1119 participates in the Florida Retirement System, the charter  
1120 school employees shall be compulsory members of the Florida  
1121 Retirement System. As either a private or a public employer, a  
1122 charter school may contract for services with an individual or  
1123 group of individuals who are organized as a partnership or a  
1124 cooperative. Individuals or groups of individuals who contract  
1125 their services to the charter school are not public employees.

1126 (15)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may  
1127 enter into cooperative agreements to form charter school  
1128 cooperative organizations that may provide the following  
1129 services: charter school planning and development, direct  
1130 instructional services, and contracts with charter school  
1131 governing boards to provide personnel administrative services,

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1132 payroll services, human resource management, evaluation and  
1133 assessment services, teacher preparation, and professional  
1134 development.

1135 (16)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
1136 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
1137 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to  
1138 borrow or otherwise secure funds for a charter school authorized  
1139 in this section from a source other than the state or a school  
1140 district shall indemnify the state and the school district from  
1141 any and all liability, including, but not limited to, financial  
1142 responsibility for the payment of the principal or interest. Any  
1143 loans, bonds, or other financial agreements are not obligations  
1144 of the state or the school district but are obligations of the  
1145 charter school authority and are payable solely from the sources  
1146 of funds pledged by such agreement. The credit or taxing power  
1147 of the state or the school district shall not be pledged and no  
1148 debts shall be payable out of any moneys except those of the  
1149 legal entity in possession of a valid charter approved by a  
1150 district school board pursuant to this section.

1151 (17)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-  
1152 IN-A-MUNICIPALITY.—

1153 (a) In order to increase business partnerships in  
1154 education, to reduce school and classroom overcrowding  
1155 throughout the state, and to offset the high costs for  
1156 educational facilities construction, the Legislature intends to  
1157 encourage the formation of business partnership schools or  
1158 satellite learning centers and municipal-operated schools  
1159 through charter school status.

1160 (b) A charter school-in-the-workplace may be established



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1161 when a business partner provides the school facility to be used;  
1162 enrolls students based upon a random lottery that involves all  
1163 of the children of employees of that business or corporation or  
1164 residents of that municipality who are seeking enrollment, as  
1165 provided for in subsection (12) ~~(10)~~; and enrolls students  
1166 according to the racial/ethnic balance provisions described in  
1167 subparagraph (7)(a)8. A municipality may be a business partner  
1168 notwithstanding paragraph (c). Any portion of a facility used  
1169 for a public charter school shall be exempt from ad valorem  
1170 taxes, as provided for in s. 1013.54, for the duration of its  
1171 use as a public school.

1172 (c) A charter school-in-a-municipality designation may be  
1173 granted to a municipality that possesses a charter; enrolls  
1174 students based upon a random lottery that involves all of the  
1175 children of the residents of that municipality who are seeking  
1176 enrollment, as provided for in subsection (12) ~~(10)~~; and enrolls  
1177 students according to the racial/ethnic balance provisions  
1178 described in subparagraph (7)(a)8. When a municipality has  
1179 submitted charter applications for the establishment of a  
1180 charter school feeder pattern, consisting of elementary, middle,  
1181 and senior high schools, and each individual charter application  
1182 is approved by the district school board, such schools shall  
1183 then be designated as one charter school for all purposes listed  
1184 pursuant to this section. Any portion of the land and facility  
1185 used for a public charter school shall be exempt from ad valorem  
1186 taxes, as provided for in s. 1013.54, for the duration of its  
1187 use as a public school.

1188 (d) As used in this subsection, the terms "business  
1189 partner" or "municipality" may include more than one business or

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1190 municipality to form a charter school-in-the-workplace or  
1191 charter school-in-a-municipality.

1192 (18)~~(16)~~ EXEMPTION FROM STATUTES.—

1193 (a) A charter school shall operate in accordance with its  
1194 charter and shall be exempt from all statutes in chapters 1000-  
1195 1013. However, a charter school shall be in compliance with the  
1196 following statutes in chapters 1000-1013:

1197 1. Those statutes specifically applying to charter schools,  
1198 including this section.

1199 2. Those statutes pertaining to the student assessment  
1200 program and school grading system.

1201 3. Those statutes pertaining to the provision of services  
1202 to students with disabilities.

1203 4. Those statutes pertaining to civil rights, including s.  
1204 1000.05, relating to discrimination.

1205 5. Those statutes pertaining to student health, safety, and  
1206 welfare.

1207 (b) Additionally, a charter school shall be in compliance  
1208 with the following statutes:

1209 1. Section 286.011, relating to public meetings and  
1210 records, public inspection, and criminal and civil penalties.

1211 2. Chapter 119, relating to public records.

1212 3. Section 1003.03, relating to the maximum class size,  
1213 except that the calculation for compliance pursuant to s.  
1214 1003.03 shall be the average at the school level.

1215 (19)~~(17)~~ FUNDING.—Students enrolled in a charter school,  
1216 regardless of the sponsorship, shall be funded as if they are in  
1217 a basic program or a special program, the same as students  
1218 enrolled in other public schools in the school district. Funding

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1219 for a charter lab school shall be as provided in s. 1002.32.

1220 (a) Each charter school shall report its student enrollment  
1221 to the sponsor as required in s. 1011.62, and in accordance with  
1222 the definitions in s. 1011.61. The sponsor shall include each  
1223 charter school's enrollment in the district's report of student  
1224 enrollment. All charter schools submitting student record  
1225 information required by the Department of Education shall comply  
1226 with the Department of Education's guidelines for electronic  
1227 data formats for such data, and all districts shall accept  
1228 electronic data that complies with the Department of Education's  
1229 electronic format.

1230 (b) The basis for the agreement for funding students  
1231 enrolled in a charter school shall be the sum of the school  
1232 district's operating funds from the Florida Education Finance  
1233 Program as provided in s. 1011.62 and the General Appropriations  
1234 Act, including gross state and local funds, discretionary  
1235 lottery funds, and funds from the school district's current  
1236 operating discretionary millage levy; divided by total funded  
1237 weighted full-time equivalent students in the school district;  
1238 multiplied by the weighted full-time equivalent students for the  
1239 charter school. Charter schools whose students or programs meet  
1240 the eligibility criteria in law shall be entitled to their  
1241 proportionate share of categorical program funds included in the  
1242 total funds available in the Florida Education Finance Program  
1243 by the Legislature, including transportation. Total funding for  
1244 each charter school shall be recalculated during the year to  
1245 reflect the revised calculations under the Florida Education  
1246 Finance Program by the state and the actual weighted full-time  
1247 equivalent students reported by the charter school during the

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1248 full-time equivalent student survey periods designated by the  
1249 Commissioner of Education.

1250 (c) If the district school board is providing programs or  
1251 services to students funded by federal funds, any eligible  
1252 students enrolled in charter schools in the school district  
1253 shall be provided federal funds for the same level of service  
1254 provided students in the schools operated by the district school  
1255 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
1256 charter schools shall receive all federal funding for which the  
1257 school is otherwise eligible, including Title I funding, not  
1258 later than 5 months after the charter school first opens and  
1259 within 5 months after any subsequent expansion of enrollment.

1260 (d) Charter schools shall be included by the Department of  
1261 Education and the district school board in requests for federal  
1262 stimulus funds in the same manner as district school board-  
1263 operated public schools, including Title I and IDEA funds and  
1264 shall be entitled to receive such funds. Charter schools are  
1265 eligible to participate in federal competitive grants that are  
1266 available as part of the federal stimulus funds.

1267 (e) District school boards shall make timely and efficient  
1268 payment and reimbursement to charter schools, including  
1269 processing paperwork required to access special state and  
1270 federal funding for which they may be eligible. The district  
1271 school board may distribute funds to a charter school for up to  
1272 3 months based on the projected full-time equivalent student  
1273 membership of the charter school. Thereafter, the results of  
1274 full-time equivalent student membership surveys shall be used in  
1275 adjusting the amount of funds distributed monthly to the charter  
1276 school for the remainder of the fiscal year. The payment shall

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1277 be issued no later than 10 working days after the district  
1278 school board receives a distribution of state or federal funds.  
1279 If a warrant for payment is not issued within 10 working days  
1280 after receipt of funding by the district school board, the  
1281 school district shall pay to the charter school, in addition to  
1282 the amount of the scheduled disbursement, interest at a rate of  
1283 1 percent per month calculated on a daily basis on the unpaid  
1284 balance from the expiration of the 10 working days until such  
1285 time as the warrant is issued.

1286 (20) BLENDED-LEARNING CHARTER SCHOOLS.-

1287 (a) As used in this section, the term "blended-learning  
1288 charter school" means a school that combines traditional  
1289 classroom and virtual instruction.

1290 (b) A blended-learning charter school does not have to  
1291 apply to become an approved provider under s. 1002.45 and may  
1292 provide online instruction only to students enrolled in the  
1293 charter school.

1294 (c) Faculty authorized to provide online instruction for  
1295 blended-learning courses must be employees of the charter school  
1296 or contracted to provide instruction to the charter school  
1297 students and must hold a current state or school district  
1298 adjunct certification to teach in the subject area of a blended-  
1299 learning course.

1300 (d) For purposes of funding and performance accountability,  
1301 blended-learning courses are considered the same as traditional  
1302 courses.

1303 (21) ~~(18)~~ FACILITIES.-

1304 (a) A startup charter school shall utilize facilities which  
1305 comply with the Florida Building Code pursuant to chapter 553

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1306 except for the State Requirements for Educational Facilities.  
1307 Conversion charter schools shall utilize facilities that comply  
1308 with the State Requirements for Educational Facilities provided  
1309 that the school district and the charter school have entered  
1310 into a mutual management plan for the reasonable maintenance of  
1311 such facilities. The mutual management plan shall contain a  
1312 provision by which the district school board agrees to maintain  
1313 charter school facilities in the same manner as its other public  
1314 schools within the district. Charter schools, with the exception  
1315 of conversion charter schools, are not required to comply, but  
1316 may choose to comply, with the State Requirements for  
1317 Educational Facilities of the Florida Building Code adopted  
1318 pursuant to s. 1013.37. The local governing authority shall not  
1319 adopt or impose local building requirements or restrictions that  
1320 are more stringent than those found in the Florida Building  
1321 Code. The agency having jurisdiction for inspection of a  
1322 facility and issuance of a certificate of occupancy shall be the  
1323 local municipality or, if in an unincorporated area, the county  
1324 governing authority.

1325 (b) A charter school shall utilize facilities that comply  
1326 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
1327 as adopted by the authority in whose jurisdiction the facility  
1328 is located as provided in paragraph (a).

1329 (c) Any facility, or portion thereof, used to house a  
1330 charter school whose charter has been approved by the sponsor  
1331 and the governing board, pursuant to subsection (7), shall be  
1332 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
1333 community service, museum, performing arts, theatre, cinema,  
1334 church, community college, college, and university facilities

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1335 may provide space to charter schools within their facilities  
1336 under their preexisting zoning and land use designations.

1337 (d) Charter school facilities are exempt from assessments  
1338 of fees for building permits, except as provided in s. 553.80;  
1339 fees for building and occupational licenses; impact fees or  
1340 exactions; service availability fees; and assessments for  
1341 special benefits.

1342 (e) If a district school board facility or property is  
1343 available because it is surplus, marked for disposal, or  
1344 otherwise unused, it shall be provided for a charter school's  
1345 use on the same basis as it is made available to other public  
1346 schools in the district. A charter school receiving property  
1347 from the school district may not sell or dispose of such  
1348 property without written permission of the school district.  
1349 Similarly, for an existing public school converting to charter  
1350 status, no rental or leasing fee for the existing facility or  
1351 for the property normally inventoried to the conversion school  
1352 may be charged by the district school board to the parents and  
1353 teachers organizing the charter school. The charter school shall  
1354 agree to reasonable maintenance provisions in order to maintain  
1355 the facility in a manner similar to district school board  
1356 standards. The Public Education Capital Outlay maintenance funds  
1357 or any other maintenance funds generated by the facility  
1358 operated as a conversion school shall remain with the conversion  
1359 school.

1360 (f) To the extent that charter school facilities are  
1361 specifically created to mitigate the educational impact created  
1362 by the development of new residential dwelling units, pursuant  
1363 to subparagraph (2)(c)4., some of or all of the educational

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1364 impact fees required to be paid in connection with the new  
1365 residential dwelling units may be designated instead for the  
1366 construction of the charter school facilities that will mitigate  
1367 the student station impact. Such facilities shall be built to  
1368 the State Requirements for Educational Facilities and shall be  
1369 owned by a public or nonprofit entity. The local school district  
1370 retains the right to monitor and inspect such facilities to  
1371 ensure compliance with the State Requirements for Educational  
1372 Facilities. If a facility ceases to be used for public  
1373 educational purposes, either the facility shall revert to the  
1374 school district subject to any debt owed on the facility, or the  
1375 owner of the facility shall have the option to refund all  
1376 educational impact fees utilized for the facility to the school  
1377 district. The district and the owner of the facility may  
1378 contractually agree to another arrangement for the facilities if  
1379 the facilities cease to be used for educational purposes. The  
1380 owner of property planned or approved for new residential  
1381 dwelling units and the entity levying educational impact fees  
1382 shall enter into an agreement that designates the educational  
1383 impact fees that will be allocated for the charter school  
1384 student stations and that ensures the timely construction of the  
1385 charter school student stations concurrent with the expected  
1386 occupancy of the residential units. The application for use of  
1387 educational impact fees shall include an approved charter school  
1388 application. To assist the school district in forecasting  
1389 student station needs, the entity levying the impact fees shall  
1390 notify the affected district of any agreements it has approved  
1391 for the purpose of mitigating student station impact from the  
1392 new residential dwelling units.



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1393 (g) Each school district shall annually provide to the  
1394 Department of Education as part of its 5-year work plan the  
1395 number of existing vacant classrooms in each school that the  
1396 district does not intend to use or does not project will be  
1397 needed for educational purposes for the following school year.  
1398 The department may recommend that a district make such space  
1399 available to an appropriate charter school.

1400 (22)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are  
1401 eligible for capital outlay funds pursuant to s. 1013.62.  
1402 Capital outlay funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62  
1403 which ~~that~~ have been shared with a charter school-in-the-  
1404 workplace prior to July 1, 2010, are deemed to have met the  
1405 authorized expenditure requirements for such funds.

1406 (23)~~(20)~~ SERVICES.—

1407 (a)1. A sponsor shall provide certain administrative and  
1408 educational services to charter schools. These services shall  
1409 include contract management services; full-time equivalent and  
1410 data reporting services; exceptional student education  
1411 administration services; services related to eligibility and  
1412 reporting duties required to ensure that school lunch services  
1413 under the federal lunch program, consistent with the needs of  
1414 the charter school, are provided by the school district at the  
1415 request of the charter school, that any funds due to the charter  
1416 school under the federal lunch program be paid to the charter  
1417 school as soon as the charter school begins serving food under  
1418 the federal lunch program, and that the charter school is paid  
1419 at the same time and in the same manner under the federal lunch  
1420 program as other public schools serviced by the sponsor or the  
1421 school district; test administration services, including payment

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1422 of the costs of state-required or district-required student  
1423 assessments; processing of teacher certificate data services;  
1424 and information services, including equal access to student  
1425 information systems that are used by public schools in the  
1426 district in which the charter school is located. Student  
1427 performance data for each student in a charter school,  
1428 including, but not limited to, FCAT scores, standardized test  
1429 scores, previous public school student report cards, and student  
1430 performance measures, shall be provided by the sponsor to a  
1431 charter school in the same manner provided to other public  
1432 schools in the district.

1433         2. A total administrative fee for the provision of such  
1434 services shall be calculated based upon up to 5 percent of the  
1435 available funds defined in paragraph (19) (b) ~~(17) (b)~~ for all  
1436 students. However, a sponsor may only withhold up to a 5-percent  
1437 administrative fee for enrollment for up to and including 250  
1438 students. For charter schools with a population of 251 or more  
1439 students, the difference between the total administrative fee  
1440 calculation and the amount of the administrative fee withheld  
1441 may only be used for capital outlay purposes specified in s.  
1442 1013.62(2).

1443         3. In addition, a sponsor may withhold only up to a 5-  
1444 percent administrative fee for enrollment for up to and  
1445 including 500 students within a system of charter schools which  
1446 meets all of the following:

- 1447             a. Includes both conversion charter schools and  
1448 nonconversion charter schools;
- 1449             b. Has all schools located in the same county;
- 1450             c. Has a total enrollment exceeding the total enrollment of

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1451 at least one school district in the state;

1452 d. Has the same governing board; and

1453 e. Does not contract with a for-profit service provider for  
1454 management of school operations.

1455 4. The difference between the total administrative fee  
1456 calculation and the amount of the administrative fee withheld  
1457 pursuant to subparagraph 3. may be used for instructional and  
1458 administrative purposes as well as for capital outlay purposes  
1459 specified in s. 1013.62(2).

1460 5. Each charter school shall receive 100 percent of the  
1461 funds awarded to that school pursuant to s. 1012.225. Sponsors  
1462 shall not charge charter schools any additional fees or  
1463 surcharges for administrative and educational services in  
1464 addition to the maximum 5-percent administrative fee withheld  
1465 pursuant to this paragraph.

1466 (b) If goods and services are made available to the charter  
1467 school through the contract with the school district, they shall  
1468 be provided to the charter school at a rate no greater than the  
1469 district's actual cost unless mutually agreed upon by the  
1470 charter school and the sponsor in a contract negotiated  
1471 separately from the charter. When mediation has failed to  
1472 resolve disputes over contracted services or contractual matters  
1473 not included in the charter, an appeal may be made for a dispute  
1474 resolution hearing before the Charter School Appeal Commission.  
1475 To maximize the use of state funds, school districts shall allow  
1476 charter schools to participate in the sponsor's bulk purchasing  
1477 program if applicable.

1478 (c) Transportation of charter school students shall be  
1479 provided by the charter school consistent with the requirements

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1480 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1481 body of the charter school may provide transportation through an  
1482 agreement or contract with the district school board, a private  
1483 provider, or parents. The charter school and the sponsor shall  
1484 cooperate in making arrangements that ensure that transportation  
1485 is not a barrier to equal access for all students residing  
1486 within a reasonable distance of the charter school as determined  
1487 in its charter.

1488 (24)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1489 (a) The Department of Education shall provide information  
1490 to the public, directly and through sponsors, on how to form and  
1491 operate a charter school and how to enroll in a charter school  
1492 once it is created. This information must ~~shall~~ include a  
1493 standard application format, charter format, evaluation  
1494 instrument, and charter renewal format, which must ~~shall~~ include  
1495 the information specified in subsection (7) and shall be  
1496 developed by consulting and negotiating with both school  
1497 districts and charter schools before implementation. The charter  
1498 and charter renewal formats shall be used by charter school  
1499 sponsors.

1500 (b)1. The Department of Education shall report student  
1501 assessment data pursuant to s. 1008.34(3)(c) which is reported  
1502 to schools that receive a school grade or student assessment  
1503 data pursuant to s. 1008.341(3) which is reported to alternative  
1504 schools that receive a school improvement rating to each charter  
1505 school that:

1506 a. Does not receive a school grade pursuant to s. 1008.34  
1507 or a school improvement rating pursuant to s. 1008.341; and

1508 b. Serves at least 10 students who are tested on the

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1509 statewide assessment test pursuant to s. 1008.22.

1510 2. The charter school shall report the information in  
1511 subparagraph 1. to each parent of a student at the charter  
1512 school, the parent of a child on a waiting list for the charter  
1513 school, the district in which the charter school is located, and  
1514 the governing board of the charter school. This paragraph does  
1515 not abrogate the provisions of s. 1002.22, relating to student  
1516 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
1517 Educational Rights and Privacy Act.

1518 3.a. Pursuant to this paragraph, the Department of  
1519 Education shall compare the charter school student performance  
1520 data for each charter school in subparagraph 1. with the student  
1521 performance data in traditional public schools in the district  
1522 in which the charter school is located and other charter schools  
1523 in the state. For alternative charter schools, the department  
1524 shall compare the student performance data described in this  
1525 paragraph with all alternative schools in the state. The  
1526 comparative data shall be provided by the following grade  
1527 groupings:

1528 (I) Grades 3 through 5;

1529 (II) Grades 6 through 8; and

1530 (III) Grades 9 through 11.

1531 b. Each charter school shall provide the information  
1532 specified in this paragraph on its Internet website and also  
1533 provide notice to the public at large in a manner provided by  
1534 the rules of the State Board of Education. The State Board of  
1535 Education shall adopt rules to administer the notice  
1536 requirements of this subparagraph pursuant to ss. 120.536(1) and  
1537 120.54. The website shall include, through links or actual

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1538 content, other information related to school performance.

1539 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1540 ~~(a) The Department of Education shall staff and regularly~~  
1541 ~~convene a Charter School Review Panel in order to review issues,~~  
1542 ~~practices, and policies regarding charter schools. The~~  
1543 ~~composition of the review panel shall include individuals with~~  
1544 ~~experience in finance, administration, law, education, and~~  
1545 ~~school governance, and individuals familiar with charter school~~  
1546 ~~construction and operation. The panel shall include two~~  
1547 ~~appointees each from the Commissioner of Education, the~~  
1548 ~~President of the Senate, and the Speaker of the House of~~  
1549 ~~Representatives. The Governor shall appoint three members of the~~  
1550 ~~panel and shall designate the chair. Each member of the panel~~  
1551 ~~shall serve a 1-year term, unless renewed by the office making~~  
1552 ~~the appointment. The panel shall make recommendations to the~~  
1553 ~~Legislature, to the Department of Education, to charter schools,~~  
1554 ~~and to school districts for improving charter school operations~~  
1555 ~~and oversight and for ensuring best business practices at and~~  
1556 ~~fair business relationships with charter schools.~~

1557 ~~(b) The Legislature shall review the operation of charter~~  
1558 ~~schools during the 2010 Regular Session of the Legislature.~~

1559 (25)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon  
1560 receipt of the annual report required by paragraph (9)(k), the  
1561 Department of Education shall provide to the State Board of  
1562 Education, the Commissioner of Education, the Governor, the  
1563 President of the Senate, and the Speaker of the House of  
1564 Representatives an analysis and comparison of the overall  
1565 performance of charter school students, to include all students  
1566 whose scores are counted as part of the statewide assessment

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1567 program, versus comparable public school students in the  
1568 district as determined by the statewide assessment program  
1569 currently administered in the school district, and other  
1570 assessments administered pursuant to s. 1008.22(3).

1571 (26)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1572 (a) This subsection applies to charter school personnel in  
1573 a charter school operated by a private entity. As used in this  
1574 subsection, the term:

1575 1. "Charter school personnel" means a charter school owner,  
1576 president, chairperson of the governing board of directors,  
1577 superintendent, governing board member, principal, assistant  
1578 principal, or any other person employed by the charter school  
1579 who has equivalent decisionmaking authority and in whom is  
1580 vested the authority, or to whom the authority has been  
1581 delegated, to appoint, employ, promote, or advance individuals  
1582 or to recommend individuals for appointment, employment,  
1583 promotion, or advancement in connection with employment in a  
1584 charter school, including the authority as a member of a  
1585 governing body of a charter school to vote on the appointment,  
1586 employment, promotion, or advancement of individuals.

1587 2. "Relative" means father, mother, son, daughter, brother,  
1588 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,  
1589 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
1590 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
1591 stepdaughter, stepbrother, stepsister, half brother, or half  
1592 sister.

1593 (b) Charter school personnel may not appoint, employ,  
1594 promote, or advance, or advocate for appointment, employment,  
1595 promotion, or advancement, in or to a position in the charter

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1596 school in which the personnel are serving or over which the  
1597 personnel exercises jurisdiction or control any individual who  
1598 is a relative. An individual may not be appointed, employed,  
1599 promoted, or advanced in or to a position in a charter school if  
1600 such appointment, employment, promotion, or advancement has been  
1601 advocated by charter school personnel who serve in or exercise  
1602 jurisdiction or control over the charter school and who is a  
1603 relative of the individual or if such appointment, employment,  
1604 promotion, or advancement is made by the governing board of  
1605 which a relative of the individual is a member.

1606 (c) The approval of budgets does not constitute  
1607 "jurisdiction or control" for the purposes of this subsection.  
1608

1609 Charter school personnel in schools operated by a municipality  
1610 or other public entity are subject to s. 112.3135.

1611 (27)~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1612 (a) A member of a governing board of a charter school,  
1613 including a charter school operated by a private entity, is  
1614 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1615 (b) A member of a governing board of a charter school  
1616 operated by a municipality or other public entity is subject to  
1617 s. 112.3144, which relates to the disclosure of financial  
1618 interests.

1619 (28)~~(26)~~ RULEMAKING.—~~The Department of Education, after~~  
1620 ~~consultation with school districts and charter school directors,~~  
1621 ~~shall recommend that the State Board of Education adopt rules to~~  
1622 ~~implement specific subsections of this section. Such rules shall~~  
1623 ~~require minimum paperwork and shall not limit charter school~~  
1624 ~~flexibility authorized by statute. The State Board of Education~~



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1625 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
1626 implement this section, including a charter model application  
1627 form, evaluation instrument, and charter and charter renewal  
1628 formats ~~in accordance with this section.~~

1629 Section 4. Paragraph (c) of subsection (10) and subsection  
1630 (13) of section 1002.34, Florida Statutes, are amended to read:

1631 1002.34 Charter technical career centers.—

1632 (10) EXEMPTION FROM STATUTES.—

1633 (c) A center must comply with the antidiscrimination  
1634 provisions in s. 1000.05 and the provisions in s. 1002.33(26) ~~s.~~  
1635 ~~1002.33(24)~~ which relate to the employment of relatives.

1636 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors  
1637 of a center may decide matters relating to the operation of the  
1638 school, including budgeting, curriculum, and operating  
1639 procedures, subject to the center's charter. The board of  
1640 directors is responsible for performing the duties provided in  
1641 s. 1002.345, including monitoring the corrective action plan.  
1642 The board of directors must comply with s. 1002.33(27) ~~s.~~  
1643 ~~1002.33(25)~~.

1644 Section 5. Section 1011.68, Florida Statutes, is amended to  
1645 read:

1646 1011.68 Funds for student transportation.—The annual  
1647 allocation to each district for transportation to public school  
1648 programs, including charter schools as provided in s.  
1649 1002.33(19)(b) ~~s. 1002.33(17)(b)~~, of students in membership in  
1650 kindergarten through grade 12 and in migrant and exceptional  
1651 student programs below kindergarten shall be determined as  
1652 follows:

1653 (1) Subject to the rules of the State Board of Education,

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1654 each district shall determine the membership of students who are  
1655 transported:

1656 (a) By reason of living 2 miles or more from school.

1657 (b) By reason of being students with disabilities or  
1658 enrolled in a teenage parent program, regardless of distance to  
1659 school.

1660 (c) By reason of being in a state prekindergarten program,  
1661 regardless of distance from school.

1662 (d) By reason of being career, dual enrollment, or students  
1663 with disabilities transported from one school center to another  
1664 to participate in an instructional program or service; or  
1665 students with disabilities, transported from one designation to  
1666 another in the state, provided one designation is a school  
1667 center and provided the student's individual educational plan  
1668 (IEP) identifies the need for the instructional program or  
1669 service and transportation to be provided by the school  
1670 district. A "school center" is defined as a public school  
1671 center, community college, state university, or other facility  
1672 rented, leased, or owned and operated by the school district or  
1673 another public agency. A "dual enrollment student" is defined as  
1674 a public school student in membership in both a public secondary  
1675 school program and a community college or a state university  
1676 program under a written agreement to partially fulfill ss.  
1677 1003.435 and 1007.23 and earning full-time equivalent membership  
1678 under s. 1011.62(1)(i).

1679 (e) With respect to elementary school students whose grade  
1680 level does not exceed grade 6, by reason of being subjected to  
1681 hazardous walking conditions en route to or from school as  
1682 provided in s. 1006.23. Such rules shall, when appropriate,

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1683 provide for the determination of membership under this paragraph  
1684 for less than 1 year to accommodate the needs of students who  
1685 require transportation only until such hazardous conditions are  
1686 corrected.

1687 (f) By reason of being a pregnant student or student  
1688 parent, and the child of a student parent as provided in s.  
1689 1003.54, regardless of distance from school.

1690 (2) The allocation for each district shall be calculated  
1691 annually in accordance with the following formula:

1692

1693  $T = B + EX$ . The elements of this formula are defined as  
1694 follows: T is the total dollar allocation for transportation. B  
1695 is the base transportation dollar allocation prorated by an  
1696 adjusted student membership count. The adjusted membership count  
1697 shall be derived from a multiplicative index function in which  
1698 the base student membership is adjusted by multiplying it by  
1699 index numbers that individually account for the impact of the  
1700 price level index, average bus occupancy, and the extent of  
1701 rural population in the district. EX is the base transportation  
1702 dollar allocation for disabled students prorated by an adjusted  
1703 disabled student membership count. The base transportation  
1704 dollar allocation for disabled students is the total state base  
1705 disabled student membership count weighted for increased costs  
1706 associated with transporting disabled students and multiplying  
1707 it by an average per student cost for transportation as  
1708 determined by the Legislature. The adjusted disabled student  
1709 membership count shall be derived from a multiplicative index  
1710 function in which the weighted base disabled student membership  
1711 is adjusted by multiplying it by index numbers that individually

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1712 account for the impact of the price level index, average bus  
1713 occupancy, and the extent of rural population in the district.  
1714 Each adjustment factor shall be designed to affect the base  
1715 allocation by no more or less than 10 percent.

1716 (3) The total allocation to each district for  
1717 transportation of students shall be the sum of the amounts  
1718 determined in subsection (2). If the funds appropriated for the  
1719 purpose of implementing this section are not sufficient to pay  
1720 the base transportation allocation and the base transportation  
1721 allocation for disabled students, the Department of Education  
1722 shall prorate the available funds on a percentage basis. If the  
1723 funds appropriated for the purpose of implementing this section  
1724 exceed the sum of the base transportation allocation and the  
1725 base transportation allocation for disabled students, the base  
1726 transportation allocation for disabled students shall be limited  
1727 to the amount calculated in subsection (2), and the remaining  
1728 balance shall be added to the base transportation allocation.

1729 (4) No district shall use funds to purchase transportation  
1730 equipment and supplies at prices which exceed those determined  
1731 by the department to be the lowest which can be obtained, as  
1732 prescribed in s. 1006.27(1).

1733 (5) Funds allocated or apportioned for the payment of  
1734 student transportation services may be used to pay for  
1735 transportation of students to and from school on local general  
1736 purpose transportation systems. Student transportation funds may  
1737 also be used to pay for transportation of students to and from  
1738 school in private passenger cars and boats when the  
1739 transportation is for isolated students, or students with  
1740 disabilities as defined by rule. Subject to the rules of the

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1741 State Board of Education, each school district shall determine  
1742 and report the number of assigned students using general purpose  
1743 transportation private passenger cars and boats. The allocation  
1744 per student must be equal to the allocation per student riding a  
1745 school bus.

1746 (6) Notwithstanding other provisions of this section, in no  
1747 case shall any student or students be counted for transportation  
1748 funding more than once per day. This provision includes counting  
1749 students for funding pursuant to trips in school buses,  
1750 passenger cars, or boats or general purpose transportation.

1751 Section 6. Paragraph (b) of subsection (2) of section  
1752 1012.32, Florida Statutes, is amended to read:

1753 1012.32 Qualifications of personnel.—

1754 (2)

1755 (b) Instructional and noninstructional personnel who are  
1756 hired or contracted to fill positions in any charter school and  
1757 members of the governing board of any charter school, in  
1758 compliance with s. 1002.33(14)(f) ~~s. 1002.33(12)(g)~~, must, upon  
1759 employment, engagement of services, or appointment, undergo  
1760 background screening as required under s. 1012.465 or s.  
1761 1012.56, whichever is applicable, by filing with the district  
1762 school board for the school district in which the charter school  
1763 is located a complete set of fingerprints taken by an authorized  
1764 law enforcement agency or an employee of the school or school  
1765 district who is trained to take fingerprints.

1766

1767 Fingerprints shall be submitted to the Department of Law  
1768 Enforcement for statewide criminal and juvenile records checks  
1769 and to the Federal Bureau of Investigation for federal criminal

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1770 records checks. A person subject to this subsection who is found  
1771 ineligible for employment under s. 1012.315, or otherwise found  
1772 through background screening to have been convicted of any crime  
1773 involving moral turpitude as defined by rule of the State Board  
1774 of Education, shall not be employed, engaged to provide  
1775 services, or serve in any position that requires direct contact  
1776 with students. Probationary persons subject to this subsection  
1777 terminated because of their criminal record have the right to  
1778 appeal such decisions. The cost of the background screening may  
1779 be borne by the district school board, the charter school, the  
1780 employee, the contractor, or a person subject to this  
1781 subsection.

1782 Section 7. Paragraphs (a) and (e) of subsection (1) and  
1783 subsection (2) of section 1013.62, Florida Statutes, are amended  
1784 to read:

1785 1013.62 Charter schools capital outlay funding.—

1786 (1) In each year in which funds are appropriated for  
1787 charter school capital outlay purposes, the Commissioner of  
1788 Education shall allocate the funds among eligible charter  
1789 schools.

1790 (a) To be eligible for a funding allocation, a charter  
1791 school must:

1792 1.a. Have been in operation for 3 or more years;

1793 b. Be governed by a governing board established in the  
1794 state for 3 or more years which operates both charter schools  
1795 and conversion charter schools within the state;

1796 c. Be an expanded feeder chain of a charter school within  
1797 the same school district that is currently receiving charter  
1798 school capital outlay funds;

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1799 d. Have been accredited by the Commission on Schools of the  
1800 Southern Association of Colleges and Schools; or

1801 e. Serve students in facilities that are provided by a  
1802 business partner for a charter school-in-the-workplace pursuant  
1803 to s. 1002.33(17)(b) ~~s. 1002.33(15)(b)~~.

1804 2. Have financial stability for future operation as a  
1805 charter school.

1806 3. Have satisfactory student achievement based on state  
1807 accountability standards applicable to the charter school.

1808 4. Have received final approval from its sponsor pursuant  
1809 to s. 1002.33 for operation during that fiscal year.

1810 5. Serve students in facilities that are not provided by  
1811 the charter school's sponsor.

1812 (e) Unless otherwise provided in the General Appropriations  
1813 Act, the funding allocation for each eligible charter school is  
1814 determined by multiplying the school's projected student  
1815 enrollment by one-fifteenth of the cost-per-student station  
1816 specified in s. 1013.64(6)(b) for an elementary, middle, or high  
1817 school, as appropriate. If the funds appropriated are not  
1818 sufficient, the commissioner shall prorate the available funds  
1819 among eligible charter schools. However, a charter school or  
1820 charter lab school may not receive state charter school capital  
1821 outlay funds greater than the one-fifteenth cost per student  
1822 station formula if the charter school's combination of state  
1823 charter school capital outlay funds, capital outlay funds  
1824 calculated through the reduction in the administrative fee  
1825 provided in s. 1002.33(23) ~~s. 1002.33(20)~~, and capital outlay  
1826 funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-  
1827 fifteenth cost per student station formula.

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1828           (2) A charter school's governing body may use charter  
1829 school capital outlay funds for the following purposes:

1830           (a) Purchase of real property.

1831           (b) Construction of school facilities.

1832           (c) Purchase, lease-purchase, or lease of permanent or  
1833 relocatable school facilities.

1834           (d) Purchase of vehicles to transport students to and from  
1835 the charter school.

1836           (e) Renovation, repair, and maintenance of school  
1837 facilities that the charter school owns or is purchasing through  
1838 a lease-purchase or long-term lease of 5 years or longer.

1839           (f) Effective July 1, 2008, purchase, lease-purchase, or  
1840 lease of new and replacement equipment, and enterprise resource  
1841 software applications that are classified as capital assets in  
1842 accordance with definitions of the Governmental Accounting  
1843 Standards Board, have a useful life of at least 5 years, and are  
1844 used to support schoolwide administration or state-mandated  
1845 reporting requirements.

1846           (g) Payment of the cost of premiums for property and  
1847 casualty insurance necessary to insure the school facilities.

1848           (h) Purchase, lease-purchase, or lease of driver's  
1849 education vehicles; motor vehicles used for the maintenance or  
1850 operation of plants and equipment; security vehicles; or  
1851 vehicles used in storing or distributing materials and  
1852 equipment.

1853

1854 Conversion charter schools may use capital outlay funds received  
1855 through the reduction in the administrative fee provided in s.  
1856 1002.33(23) ~~s. 1002.33(20)~~ for renovation, repair, and



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1857 maintenance of school facilities that are owned by the sponsor.

1858 (3) When a charter school is nonrenewed or terminated, any  
1859 unencumbered funds and all equipment and property purchased with  
1860 district public funds shall revert to the ownership of the  
1861 district school board, as provided for in s. 1002.33(8)(e) and  
1862 (f). In the case of a charter lab school, any unencumbered funds  
1863 and all equipment and property purchased with university public  
1864 funds shall revert to the ownership of the state university that  
1865 issued the charter. The reversion of such equipment, property,  
1866 and furnishings shall focus on recoverable assets, but not on  
1867 intangible or irrecoverable costs such as rental or leasing  
1868 fees, normal maintenance, and limited renovations. The reversion  
1869 of all property secured with public funds is subject to the  
1870 complete satisfaction of all lawful liens or encumbrances. If  
1871 there are additional local issues such as the shared use of  
1872 facilities or partial ownership of facilities or property, these  
1873 issues shall be agreed to in the charter contract prior to the  
1874 expenditure of funds.

1875 Section 8. (1) The Office of Program Policy Analysis and  
1876 Government Accountability (OPPAGA) shall conduct a study that  
1877 compares the funding of charter schools to the funding of  
1878 traditional public schools. In conducting this study, OPPAGA  
1879 shall:

1880 (a) Identify the school districts that distribute funds  
1881 generated by the capital improvement millage authorized pursuant  
1882 to s. 1011.71(2), Florida Statutes, to charter schools and the  
1883 use of such funds by the charter schools.

1884 (b) Determine the amount of funds that would be available  
1885 to charter schools if school districts equitably distribute to

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1886 district schools, including charter schools, the funds generated  
1887 by the capital improvement millage authorized pursuant to s.  
1888 1011.71(2), Florida Statutes.

1889 (c) Examine the costs associated with supervising charter  
1890 schools and determine whether the 5 percent administrative fee  
1891 for administrative and educational services for charter schools  
1892 covers the costs associated with the provision of the services.

1893 (d) Examine the distribution of IDEA funds.

1894 (2) OPPAGA shall make recommendations, if warranted, for  
1895 improving the accountability and equity of the funding system  
1896 for charter schools based on the findings of the study. The  
1897 results of the study shall be submitted to the Governor, the  
1898 President of the Senate, and the Speaker of the House of  
1899 Representatives by January 1, 2012.

1900 Section 9. If any provision of this act or its application  
1901 to any person or circumstance is held invalid, the invalidity  
1902 does not affect other provisions or applications of the act  
1903 which can be given effect without the invalid provision or  
1904 application, and to this end the provisions of this act are  
1905 severable.

1906 Section 10. This act shall take effect July 1, 2011.