

HB 1341

2013

1                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           196.1983, F.S.; granting school district programs the  
4           ad valorem tax exemption given to charter schools and  
5           creating certain restrictions on such property;  
6           requiring a landlord to certify compliance by  
7           affidavit; restricting the use of capital outlay funds  
8           for property improvements if the property is exempt  
9           from ad valorem taxes; amending s. 1002.31, F.S.;  
10          providing a calculation for compliance with class size  
11          maximums for a public school of choice; amending s.  
12          1002.33, F.S.; making technical and grammatical  
13          changes; deleting a requirement that the State Board  
14          of Education remand an application to a sponsor;  
15          providing that the sponsor may conduct or audit a  
16          random selection process to admit applicants;  
17          prohibiting a charter school or charter school system  
18          from rejecting certain types of students solely based  
19          on a higher cost; requiring a charter school or  
20          charter school system to enroll students in proportion  
21          similar to the district average in order to qualify  
22          for a designation of high-performing charter school;  
23          providing a funding requirement for a student who  
24          transfers between a charter school and district  
25          school; authorizing a district school board to  
26          negotiate an appropriate usage fee based on market  
27          comparables for unused space; deleting a prohibition  
28          on existing public schools that convert to charter

29 | schools; prohibiting a charter school from selling or  
30 | renting out property from a school district without  
31 | written permission of the school district; providing  
32 | that certain recommendations from the department are  
33 | not binding on a school district; restricting use of  
34 | capital outlay funds; deleting restrictions on  
35 | withheld administrative fees; clarifying that a member  
36 | of a governing board of a charter school is a public  
37 | official; amending s. 1002.332, F.S.; modifying the  
38 | definition of a high-performing charter school system  
39 | to include those offering certain services; amending  
40 | s. 1002.345, F.S.; restricting charter schools or  
41 | technical career centers having financial problems  
42 | from certain activities and requiring disclosure of  
43 | such financial problems on subsequent applications;  
44 | amending s. 1003.03, F.S.; basing the class size  
45 | maximum on the schoolwide average; deleting certain  
46 | requirements when the number of students assigned to a  
47 | class exceeds the class size maximum; creating s.  
48 | 1003.622, F.S.; providing legislative intent;  
49 | recognizing high-performing school choice districts  
50 | and granting them flexibility; qualifying a high-  
51 | performing school choice district; exempting such  
52 | districts from ch. 1000-1013, F.S., subject to certain  
53 | exceptions; requiring the commissioner to verify the  
54 | status of a high-performing school choice district;  
55 | amending s. 1010.305, F.S.; extending student  
56 | enrollment auditing procedures to charter schools;

57 | providing that a charter school may request an  
 58 | expedited review by the Auditor General; amending s.  
 59 | 1013.37, F.S.; requiring school boards to comply with  
 60 | the Florida Building Code for certain new projects;  
 61 | providing an effective date.

62 |  
 63 | Be It Enacted by the Legislature of the State of Florida:  
 64 |

65 | Section 1. Section 196.1983, Florida Statutes, is amended  
 66 | to read:

67 | 196.1983 Charter school and school district program  
 68 | exemption from ad valorem taxes.—Any facility, or portion  
 69 | thereof, used to house a school district program or charter  
 70 | school whose charter has been approved by the sponsor and the  
 71 | governing board pursuant to s. 1002.33(7) is shall be exempt  
 72 | from ad valorem taxes. For leasehold properties, the landlord  
 73 | must certify by affidavit to the district or charter school  
 74 | sponsor that the lease payments shall be reduced to the extent  
 75 | of the exemption received, that the lease payments before  
 76 | reduction do not exceed fair market value, and that the  
 77 | transaction does not involve relatives as defined in s.  
 78 | 1002.33(7)(a)18. The owner of the property shall disclose ~~to a~~  
 79 | ~~charter school~~ the full amount of the benefit derived from the  
 80 | exemption and the method for ensuring that the district or  
 81 | charter school receives such benefit. The charter school shall  
 82 | receive the full benefit derived from the exemption through  
 83 | ~~either~~ an annual or monthly credit to the charter school's lease  
 84 | payments. For property exempt from ad valorem taxes pursuant to

85 this section, district or public education capital outlay funds  
 86 may be used for property improvements only if:

87 (1) The transaction does not, directly or indirectly,  
 88 involve relatives; and

89 (2) The lease or contract makes adequate provision for  
 90 crediting or reimbursing such funding when the property is no  
 91 longer used for exempt purposes.

92 Section 2. Subsection (9) is added to section 1002.31,  
 93 Florida Statutes, to read:

94 1002.31 Public school parental choice.—

95 (9) For a school or program that is a public school of  
 96 choice under this section, the calculation for compliance with  
 97 class size maximums, pursuant to s. 1003.03, is the average  
 98 number of students at the school level.

99 Section 3. Paragraphs (b) through (d) of subsection (6),  
 100 paragraphs (b), (e), (f), and (h) of subsection (10), paragraphs  
 101 (c), (e), and (g) of subsection (18), subsection (19), paragraph  
 102 (a) of subsection (20), and subsection (26) of section 1002.33,  
 103 Florida Statutes, are amended, and paragraph (g) is added to  
 104 subsection (17) of that section, to read:

105 1002.33 Charter schools.—

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

108 (b) A sponsor shall receive and review all applications  
 109 for a charter school using an evaluation instrument developed by  
 110 the department ~~of Education~~. A sponsor shall receive and  
 111 consider charter school applications received on or before  
 112 August 1 of each calendar year for charter schools to be opened

HB 1341

2013

113 | at the beginning of the school district's next school year, or  
114 | to be opened at a time agreed to by the applicant and the  
115 | sponsor. A sponsor may receive applications later than this date  
116 | if it chooses. A sponsor may not charge an applicant for a  
117 | charter any fee for the processing or consideration of an  
118 | application, and a sponsor may not base its consideration or  
119 | approval of an application upon the promise of future payment of  
120 | any kind. Before approving or denying any application, the  
121 | sponsor shall allow the applicant, upon receipt of written  
122 | notification, at least 7 calendar days to make technical or  
123 | nonsubstantive corrections and clarifications, including, but  
124 | not limited to, corrections of grammatical, typographical, and  
125 | like errors or missing signatures, if such errors are identified  
126 | by the sponsor as cause to deny the application.

127 |       1. In order to facilitate an accurate budget projection  
128 | process, a sponsor shall be held harmless for FTE students who  
129 | are not included in the FTE projection due to approval of  
130 | charter school applications after the FTE projection deadline.  
131 | In a further effort to facilitate an accurate budget projection,  
132 | within 15 calendar days after receipt of a charter school  
133 | application, a sponsor shall report to the department ~~of~~  
134 | ~~Education~~ the name of the applicant entity, the proposed charter  
135 | school location, and its projected FTE.

136 |       2. In order to ensure fiscal responsibility, an  
137 | application for a charter school shall include a full accounting  
138 | of expected assets, a projection of expected sources and amounts  
139 | of income, including income derived from projected student  
140 | enrollments and from community support, and an expense

HB 1341

2013

141 projection that includes full accounting of the costs of  
142 operation, including start-up costs.

143 3.a. A sponsor shall by a majority vote approve or deny an  
144 application no later than 60 calendar days after the application  
145 is received, unless the sponsor and the applicant mutually agree  
146 in writing to temporarily postpone the vote to a specific date,  
147 at which time the sponsor shall by a majority vote approve or  
148 deny the application. If the sponsor fails to act on the  
149 application, an applicant may appeal to the State Board of  
150 Education as provided in paragraph (c). If an application is  
151 denied, the sponsor shall, within 10 calendar days after such  
152 denial, articulate in writing the specific reasons, based upon  
153 good cause, supporting its denial of the charter application and  
154 shall provide the letter of denial and supporting documentation  
155 to the applicant and to the department ~~of Education~~.

156 b. An application submitted by a high-performing charter  
157 school identified pursuant to s. 1002.331 may be denied by the  
158 sponsor only if the sponsor demonstrates by clear and convincing  
159 evidence that:

160 (I) The application does not materially comply with the  
161 requirements in paragraph (a);

162 (II) The charter school proposed in the application does  
163 not materially comply with the requirements in paragraphs  
164 (9) (a) - (f);

165 (III) The proposed charter school's educational program  
166 does not substantially replicate that of the applicant or one of  
167 the applicant's high-performing charter schools;

168 (IV) The applicant has made a material misrepresentation

169 or false statement or concealed an essential or material fact  
 170 during the application process; or

171 (V) The proposed charter school's educational program and  
 172 financial management practices do not materially comply with the  
 173 requirements of this section.

174  
 175 Material noncompliance is a failure to follow requirements or a  
 176 violation of prohibitions applicable to charter school  
 177 applications, which failure is quantitatively or qualitatively  
 178 significant either individually or when aggregated with other  
 179 noncompliance. An applicant is considered to be replicating a  
 180 high-performing charter school if the proposed school is  
 181 substantially similar to at least one of the applicant's high-  
 182 performing charter schools and the organization or individuals  
 183 involved in the establishment and operation of the proposed  
 184 school are significantly involved in the operation of replicated  
 185 schools.

186 c. If the sponsor denies an application submitted by a  
 187 high-performing charter school, the sponsor must, within 10  
 188 calendar days after such denial, state in writing the specific  
 189 reasons, based upon the criteria in sub-subparagraph b.,  
 190 supporting its denial of the application and must provide the  
 191 letter of denial and supporting documentation to the applicant  
 192 and to the department ~~of Education~~. The applicant may appeal the  
 193 sponsor's denial of the application directly to the State Board  
 194 of Education pursuant to paragraph (c) ~~sub-subparagraph (c)3.b.~~

195 4. For budget projection purposes, the sponsor shall  
 196 report to the department ~~of Education~~ the approval or denial of

197 a charter application within 10 calendar days after such  
 198 approval or denial. In the event of approval, the report to the  
 199 department must ~~of Education shall~~ include the final projected  
 200 FTE for the approved charter school.

201 5. Upon approval of a charter application, the initial  
 202 startup must ~~shall~~ commence with the beginning of the public  
 203 school calendar for the district in which the charter is granted  
 204 unless the sponsor allows a waiver of this subparagraph for good  
 205 cause.

206 (c)~~1.~~ An applicant may appeal a ~~any~~ denial of that  
 207 applicant's application or failure to act on an application to  
 208 the State Board of Education within ~~no later than~~ 30 calendar  
 209 days after receipt of the sponsor's decision or failure to act  
 210 and shall notify the sponsor of its appeal. Any response of the  
 211 sponsor shall be submitted to the ~~State board of Education~~  
 212 within 30 calendar days after notification of the appeal. Upon  
 213 receipt of notification from the ~~State board of Education~~ that a  
 214 charter school applicant is filing an appeal, the commissioner  
 215 ~~of Education~~ shall convene a meeting of the Charter School  
 216 Appeal Commission to study the appeal and make recommendations  
 217 to the ~~State board of Education~~ regarding its pending decision  
 218 about the appeal. The commission shall forward its  
 219 recommendations ~~recommendation~~ to the ~~state board~~ at least ~~no~~  
 220 ~~later than~~ 7 calendar days before ~~prior to~~ the date ~~on which~~ the  
 221 appeal is to be heard.

222 1.2. The Charter School Appeal Commission may reject an  
 223 appeal submission for failure to comply with procedural rules  
 224 governing the appeals process. The rejection must ~~shall~~ describe



HB 1341

2013

225 the submission errors. The appellant has ~~shall have~~ 15 calendar  
226 days after notice of rejection ~~in which~~ to resubmit an appeal  
227 that meets the requirements set forth in ~~State board of~~  
228 ~~Education~~ rule. An appeal submitted subsequent to such rejection  
229 is considered timely if the original appeal was filed within 30  
230 calendar days after receipt of notice of the specific reasons  
231 for the sponsor's denial of the charter application.

232 ~~2.3.a.~~ The State Board of Education shall by majority vote  
233 accept or reject the decision of the sponsor within ~~no later~~  
234 ~~than~~ 90 calendar days after an appeal is filed in accordance  
235 with ~~State board of Education~~ rule. ~~The State Board of Education~~  
236 ~~shall remand the application to the sponsor with its written~~  
237 ~~decision that the sponsor approve or deny the application.~~ The  
238 sponsor shall implement the decision of the ~~State board of~~  
239 ~~Education.~~ Such ~~The decision of the State Board of Education~~ is  
240 not subject to ~~the provisions of the Administrative Procedure~~  
241 ~~Act,~~ chapter 120.

242 ~~3.b.~~ If an appeal concerns an application submitted by a  
243 high-performing charter school identified pursuant to s.  
244 1002.331, the State Board of Education shall determine whether  
245 the sponsor has shown, by clear and convincing evidence, that:

246 a.(I) The application does not materially comply with ~~the~~  
247 ~~requirements in~~ paragraph (a);

248 b.(II) The charter school proposed in the application does  
249 not materially comply with ~~the requirements in~~ paragraphs  
250 (9) (a) - (f);

251 c.(III) The proposed charter school's educational program  
252 does not substantially replicate that of the applicant or one of

253 the applicant's high-performing charter schools;

254 d.~~(IV)~~ The applicant has made a material misrepresentation  
 255 or false statement or concealed an essential or material fact  
 256 during the application process; or

257 e.~~(V)~~ The proposed charter school's educational program  
 258 and financial management practices do not materially comply with  
 259 ~~the requirements of this section.~~

260 4. The State Board of Education shall approve or reject  
 261 the sponsor's denial of an application within ~~no later than~~ 90  
 262 calendar days after an appeal is filed in accordance with ~~State~~  
 263 ~~board of Education~~ rule. The ~~State board of Education~~ shall  
 264 remand the application to the sponsor with its written decision  
 265 that the sponsor approve or deny the application. The sponsor  
 266 shall implement the decision of the ~~State board of Education~~.  
 267 The decision of the ~~State board of Education~~ is not subject to  
 268 ~~the Administrative Procedure Act~~, chapter 120.

269 ~~(d) The sponsor shall act upon the decision of the State~~  
 270 ~~Board of Education within 30 calendar days after it is received.~~  
 271 The State Board of Education's decision is a final action  
 272 subject to judicial review in the district court of appeal for  
 273 30 calendar days after the order is issued.

274 (10) ELIGIBLE STUDENTS.—

275 (b) The charter school shall enroll an eligible student  
 276 who submits a timely application, unless the number of  
 277 applications exceeds the capacity of a program, class, grade  
 278 level, or building. In such case, all applicants shall have an  
 279 equal chance of being admitted through a random selection  
 280 process that is conducted or audited by the sponsor.

281 (e) A charter school may limit the enrollment process only  
 282 to target the following student populations:

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

284 2. Students considered at risk of dropping out of school  
 285 or academic failure. Such students ~~shall~~ include exceptional  
 286 education students.

287 3. Students enrolling in a charter school-in-the-workplace  
 288 or charter school-in-a-municipality established under ~~pursuant~~  
 289 ~~to~~ subsection (15).

290 4. Students residing within a reasonable distance of the  
 291 charter school, as described in paragraph (20)(c). Such students  
 292 are ~~shall be~~ subject to a random lottery that may be conducted  
 293 or audited by the sponsoring school district, and to the  
 294 racial/ethnic balance provisions described in subparagraph  
 295 (7)(a)8. or ~~any~~ federal provisions that require a school to  
 296 achieve a racial/ethnic balance reflective of the community it  
 297 serves or within the racial/ethnic range of other public schools  
 298 in the same school district.

299 5. Students who meet reasonable academic, artistic, or  
 300 other eligibility standards established by the charter school  
 301 and included in the charter school application and charter or,  
 302 in the case of existing charter schools, standards that are  
 303 consistent with the school's mission and purpose. Such standards  
 304 must ~~shall~~ be in accordance with current state law and practice  
 305 in public schools, including provisions described in paragraph  
 306 (f), and may not discriminate against otherwise qualified  
 307 individuals.

308 6. Students articulating from one charter school to

HB 1341

2013

309 another pursuant to an articulation agreement between the  
310 charter schools that has been approved by the sponsor.

311 7. Students living in a development in which a business  
312 entity provides the school facility and related property having  
313 an appraised value of at least \$10 million to be used as a  
314 charter school for the development. Students living in the  
315 development are ~~shall be~~ entitled to 50 percent of the student  
316 stations in the charter school. The students who are eligible  
317 for enrollment are subject to a random lottery, the  
318 racial/ethnic balance provisions, or ~~any~~ federal provisions, as  
319 described in subparagraph 4. The remainder of the student  
320 stations shall be filled in accordance with subparagraph 4.

321 (f) Students who have ~~with~~ disabilities, ~~and~~ students who  
322 are served in English for Speakers of Other Languages programs,  
323 and students who qualify for free or reduced-price school lunch  
324 shall have an equal opportunity of being selected for enrollment  
325 in a charter school. Notwithstanding any higher costs of serving  
326 such students, a charter school or a charter school system shall  
327 enroll students in a proportion similar to the district average.

328 (h) The capacity of the charter school shall be determined  
329 annually by the governing board, in conjunction with the  
330 sponsor, of the charter school in consideration of the factors  
331 identified in this subsection unless the charter school is  
332 designated as a high-performing charter school pursuant to s.  
333 1002.331. A charter school or charter school program that fails  
334 to enroll a proportionate share of students pursuant to  
335 paragraph (f) is not eligible for a designation of high-  
336 performing under s. 1002.331. Except as necessary to comply with

HB 1341

2013

337 paragraph (f), a sponsor may not require a charter school to  
338 waive the provisions of s. 1002.331 or require a student  
339 enrollment cap that prohibits a high-performing charter school  
340 from increasing enrollment in accordance with s. 1002.331(2) as  
341 a condition of approval or renewal of a charter.

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

347 (g) If a student transfers from a charter school to a  
348 district school or from a district school to a charter school  
349 after the first day of the school year, funding must be  
350 allocated proportionately according to the number of days that  
351 the student attended the charter school or district school.

352 (18) FACILITIES.—

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

362 (e) If a district school board facility or property is  
363 available because the district school board has deemed it as ~~it~~  
364 ~~is~~ surplus, marked for disposal, or otherwise unused, and the

HB 1341

2013

365 facility is appropriate for student instruction, it may shall be  
366 made available provided for a charter school's use based on  
367 district school board eligibility criteria. The school district  
368 may negotiate an appropriate usage fee based on market value on  
369 the same basis as it is made available to other public schools  
370 in the district. A charter school receiving property from the  
371 school district may not sell or dispose of such property without  
372 written permission of the school district. ~~Similarly, for an~~  
373 ~~existing public school converting to charter status, no rental~~  
374 ~~or leasing fee for the existing facility or for the property~~  
375 ~~normally inventoried to the conversion school may be charged by~~  
376 ~~the district school board to the parents and teachers organizing~~  
377 ~~the charter school.~~ The charter school shall agree to reasonable  
378 maintenance provisions in order to maintain the facility in a  
379 manner similar to district school board standards. A charter  
380 school receiving property from the school district may not  
381 relet, sublet, sell, or dispose of such property without written  
382 permission of the school district. The lease may provide for use  
383 of the public education capital outlay maintenance funds or any  
384 other maintenance funds if such use is consistent with the  
385 district's 5-year work plan generated by the facility operated  
386 as a conversion school shall remain with the conversion school.

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

393 | available to an appropriate charter school pursuant to paragraph  
 394 | (e). The recommendation is not binding on the district school  
 395 | board.

396 | (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 397 | for capital outlay funds pursuant to s. 1013.62. Capital outlay  
 398 | funds authorized in ss. 1011.71(2) and 1013.62 which were ~~have~~  
 399 | ~~been~~ shared with a charter school-in-the-workplace before ~~prior~~  
 400 | ~~to~~ July 1, 2010, are deemed to have met the authorized  
 401 | expenditure requirements for such funds. Charter schools may  
 402 | spend capital outlay funds only on assets that can be returned  
 403 | to the school district.

404 | (20) SERVICES.—

405 | (a)~~1~~. A sponsor shall provide certain administrative and  
 406 | educational services to charter schools. These services ~~shall~~  
 407 | include contract management services; full-time equivalent and  
 408 | data reporting services; exceptional student education  
 409 | administration services; services related to eligibility and  
 410 | reporting duties required to ensure that school lunch services  
 411 | under the federal lunch program, consistent with the needs of  
 412 | the charter school, are provided by the school district at the  
 413 | request of the charter school, that any funds due to the charter  
 414 | school under the federal lunch program be paid to the charter  
 415 | school as soon as the charter school begins serving food under  
 416 | the federal lunch program, and that the charter school is paid  
 417 | at the same time and in the same manner under the federal lunch  
 418 | program as other public schools serviced by the sponsor or the  
 419 | school district; test administration services, including payment  
 420 | of the costs of state-required or district-required student

HB 1341

2013

421 assessments; processing of teacher certificate data services;  
422 and information services, including equal access to student  
423 information systems that are used by public schools in the  
424 district in which the charter school is located. Student  
425 performance data for each student in a charter school,  
426 including, but not limited to, FCAT scores, standardized test  
427 scores, previous public school student report cards, and student  
428 performance measures, shall be provided by the sponsor to a  
429 charter school in the same manner provided to other public  
430 schools in the district.

431 1.2. A total administrative fee for the provision of such  
432 services shall be calculated based on ~~upon~~ up to 5 percent of  
433 the available funds defined in paragraph (17)(b) for all  
434 students; ~~however, if, except that when~~ 75 percent or more of  
435 the students enrolled in the charter school are exceptional  
436 students as defined in s. 1003.01(3), the 5 percent of those  
437 available funds shall be calculated based on unweighted full-  
438 time equivalent students. ~~However, a sponsor may only withhold~~  
439 ~~up to a 5 percent administrative fee for enrollment for up to~~  
440 ~~and including 250 students. For charter schools with a~~  
441 ~~population of 251 or more students, the difference between the~~  
442 ~~total administrative fee calculation and the amount of the~~  
443 ~~administrative fee withheld may only be used for capital outlay~~  
444 ~~purposes specified in s. 1013.62(2).~~

445 ~~3. For high-performing charter schools, as defined in ch.~~  
446 ~~2011-232, a sponsor may withhold a total administrative fee of~~  
447 ~~up to 2 percent for enrollment up to and including 250 students~~  
448 ~~per school.~~



HB 1341

2013

449           ~~4. In addition, a sponsor may withhold only up to a 5-~~  
450 ~~percent administrative fee for enrollment for up to and~~  
451 ~~including 500 students within a system of charter schools which~~  
452 ~~meets all of the following:~~

453           ~~a. Includes both conversion charter schools and~~  
454 ~~noneconversion charter schools;~~

455           ~~b. Has all schools located in the same county;~~

456           ~~c. Has a total enrollment exceeding the total enrollment~~  
457 ~~of at least one school district in the state;~~

458           ~~d. Has the same governing board; and~~

459           ~~e. Does not contract with a for-profit service provider~~  
460 ~~for management of school operations.~~

461           ~~5. The difference between the total administrative fee~~  
462 ~~calculation and the amount of the administrative fee withheld~~  
463 ~~pursuant to subparagraph 4. may be used for instructional and~~  
464 ~~administrative purposes as well as for capital outlay purposes~~  
465 ~~specified in s. 1013.62(2).~~

466           ~~6. For a high-performing charter school system that also~~  
467 ~~meets the requirements in subparagraph 4., a sponsor may~~  
468 ~~withhold a 2-percent administrative fee for enrollments up to~~  
469 ~~and including 500 students per system.~~

470           ~~2.7.~~ Sponsors may ~~shall~~ not charge charter schools any  
471 additional fees or surcharges for administrative and educational  
472 services ~~in addition to the maximum 5-percent administrative fee~~  
473 ~~withheld pursuant to this paragraph.~~

474           ~~3.8.~~ The sponsor of a virtual charter school may withhold  
475 a fee of up to 5 percent. The funds must ~~shall~~ be used to cover  
476 the cost of services provided under this paragraph ~~subparagraph~~

HB 1341

2013

477 | ~~1.~~ and for the school district's local instructional improvement  
 478 | system pursuant to s. 1006.281 or other technological tools that  
 479 | are required to access electronic and digital instructional  
 480 | materials.

481 | (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

482 | (a) A member of a governing board of a charter school,  
 483 | including a charter school operated by a private entity, is a  
 484 | public official and is subject to ss. 112.313(2), (3), (7), and  
 485 | (12) and 112.3143(3).

486 | (b) A member of a governing board of a charter school  
 487 | ~~operated by a municipality or other public entity~~ is subject to  
 488 | s. 112.3145, which requires ~~relates to~~ the disclosure of  
 489 | financial interests.

490 | Section 4. Paragraph (b) of subsection (1) of section  
 491 | 1002.332, Florida Statutes, is amended to read:

492 | 1002.332 High-performing charter school system.—

493 | (1) For purposes of this section, the term:

494 | (b) "High-performing charter school system" means an  
 495 | entity that:

496 | 1. Operates at least three high-performing charter schools  
 497 | in the state;

498 | 2. Operates a system of charter schools in which at least  
 499 | 50 percent of the charter schools are high-performing charter  
 500 | schools pursuant to s. 1002.331 and no charter school earned a  
 501 | school grade of "D" or "F" pursuant to s. 1008.34, except that:

502 | a. If the entity has assumed operation of a public school  
 503 | pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that  
 504 | school's grade may not be considered in determining high-

HB 1341

2013

505 performing charter school system status for ~~a period of~~ 3 years.

506 b. If the entity establishes a new charter school that  
 507 serves a student population the majority of which resides in a  
 508 school zone served by a public school that earned a grade of "F"  
 509 or three consecutive grades of "D" pursuant to s. 1008.34, that  
 510 charter school's grade may not be considered in determining  
 511 high-performing charter school system status if it attains and  
 512 maintains a school grade that is higher than that of the public  
 513 school serving that school zone within 3 years after  
 514 establishment; ~~and~~

515 3. Has not received a financial audit that revealed one or  
 516 more of the financial emergency conditions set forth in s.  
 517 218.503(1) for any charter school assumed or established by the  
 518 entity; ~~and-~~

519 4. Provides services to students who have disabilities,  
 520 students who are served in English for Speakers of Other  
 521 Languages programs, and students who qualify for free or  
 522 reduced-price school lunch in the same proportion as that of the  
 523 sponsoring district.

524 Section 5. Subsection (7) is added to section 1002.345,  
 525 Florida Statutes, to read:

526 1002.345 Determination of deteriorating financial  
 527 conditions and financial emergencies for charter schools and  
 528 charter technical career centers.—This section applies to  
 529 charter schools operating pursuant to s. 1002.33 and to charter  
 530 technical career centers operating pursuant to s. 1002.34.

531 (7) EFFECT ON OTHER APPLICATIONS.—If a charter school or  
 532 charter technical career center exhibits a deteriorating

533 financial condition or is subject to a financial recovery plan  
 534 or corrective action plan, the governing board of the charter  
 535 school or charter technical career center, or any related  
 536 entity, is not eligible to apply for additional charter schools  
 537 or charter technical centers under s. 1002.33, s. 1002.331, or  
 538 s. 1002.45 until the financial condition or financial recovery  
 539 plan has been satisfactorily resolved. The existence and  
 540 resolution of financial emergencies or poor financial conditions  
 541 pursuant to this chapter shall be disclosed in subsequent  
 542 applications by the applicant under s. 1002.33(6) and be  
 543 considered in determining whether the financial management  
 544 practices materially comply with that section.

545 Section 6. Subsection (4) of section 1003.03, Florida  
 546 Statutes, is amended to read:

547 1003.03 Maximum class size.—

548 (4) ACCOUNTABILITY.—

549 (a) If the department determines that the number of  
 550 students assigned to an ~~any~~ individual class exceeds the class  
 551 size maximum based on the schoolwide average, as required in  
 552 subsection (1), based upon the October student membership  
 553 survey, the department shall:

554 1. Identify, for each grade group, the number of classes  
 555 in which the number of students exceeds the maximum and the  
 556 total number of students which exceeds the maximum based on the  
 557 schoolwide average for all classes.

558 2. Determine the number of FTE students which exceeds the  
 559 maximum for each grade group.

560 3. Multiply the total number of FTE students which exceeds

HB 1341

2013

561 the maximum for each grade group by the district's FTE dollar  
562 amount of the class size categorical allocation for that year  
563 and calculate the total for all three grade groups.

564 ~~4. Multiply the total number of FTE students which exceeds~~  
565 ~~the maximum for all classes by an amount equal to 50 percent of~~  
566 ~~the base student allocation adjusted by the district cost~~  
567 ~~differential for each of the 2010-2011 through 2013-2014 fiscal~~  
568 ~~years and by an amount equal to the base student allocation~~  
569 ~~adjusted by the district cost differential in the 2014-2015~~  
570 ~~fiscal year and thereafter.~~

571 ~~4.5.~~ Reduce the district's class size categorical  
572 allocation by an amount equal to the calculation ~~sum of the~~  
573 ~~calculations in subparagraph 3. subparagraphs 3. and 4.~~

574 (b) The amount of funds reduced shall be the lesser of the  
575 amount calculated in paragraph (a) or the undistributed balance  
576 of the district's class size categorical allocation. The Florida  
577 Education Finance Program Appropriation Allocation Conference  
578 shall verify the department's calculation in paragraph (a). The  
579 commissioner may withhold distribution of the class size  
580 categorical allocation to the extent necessary to comply with  
581 paragraph (a).

582 (c) In lieu of the reduction calculation in paragraph (a),  
583 if the commissioner ~~of Education~~ has evidence that a district  
584 was unable to meet the class size requirements despite  
585 appropriate efforts to do so or because of an extreme emergency,  
586 the commissioner may recommend by February 15, subject to  
587 approval of the Legislative Budget Commission, the reduction of  
588 an alternate amount of funds from the district's class size

HB 1341

2013

589 categorical allocation.

590 ~~(d) Upon approval of the reduction calculation in~~  
591 ~~paragraphs (a) - (c), the commissioner must prepare a reallocation~~  
592 ~~of the funds made available for the districts that have fully~~  
593 ~~met the class size requirements. The funds shall be reallocated~~  
594 ~~by calculating an amount of up to 5 percent of the base student~~  
595 ~~allocation multiplied by the total district FTE students. The~~  
596 ~~reallocation total may not exceed 25 percent of the total funds~~  
597 ~~reduced.~~

598 (d) ~~(e)~~ Each district that has not complied with ~~the~~  
599 ~~requirements in~~ subsection (1) shall submit to the commissioner  
600 by February 1 a plan certified by the district school board  
601 which ~~that~~ describes the specific actions the district must ~~will~~  
602 take in order to fully comply with ~~the requirements in~~  
603 subsection (1) by October of the following school year. ~~If a~~  
604 ~~district submits the certified plan by the required deadline,~~  
605 ~~the funds remaining after the reallocation calculation in~~  
606 ~~paragraph (d) shall be added back to the district's class size~~  
607 ~~categorical allocation based on each qualifying district's~~  
608 ~~proportion of the total reduction for all qualifying districts~~  
609 ~~for which a reduction was calculated in paragraphs (a) - (c).~~  
610 ~~However, no district shall have an amount added back that is~~  
611 ~~greater than the amount that was reduced.~~

612 (e) ~~(f)~~ The department shall adjust school district class  
613 size reduction categorical allocation distributions based on the  
614 calculations in paragraphs (a) - (d) ~~(a) - (e)~~.

615 Section 7. Section 1003.622, Florida Statutes, is created  
616 to read:

HB 1341

2013

617 1003.622 Academically high-performing school choice  
618 districts.—It is the intent of the Legislature to recognize and  
619 reward school districts that consistently maintain or improve  
620 their high-performing status. The purpose of this section is to  
621 provide high-performing school districts with the flexibility of  
622 high-performing charter schools in order to meet specific  
623 requirements of law and rules of the State Board of Education.

624 (1) A school district shall be designated by the State  
625 Board of Education as an academically high-performing school  
626 choice district if it:

627 (a) Receives a district grade of "A" or "B" pursuant to s.  
628 1008.34 for 2 consecutive years;

629 (b) Has at least 40 percent of its total enrollment in  
630 public choice programs or at least 10 percent of its total  
631 enrollment in charter schools; and

632 (c) Has no material weakness or instances of material  
633 noncompliance noted in the annual financial audit conducted  
634 pursuant to s. 218.39.

635 (2) A district designated as an academically high-  
636 performing school choice district is exempt from chapters 1000-  
637 1013, subject to the following exceptions:

638 (a) The student assessment program and school grading  
639 system.

640 (b) The provision of services to students who have  
641 disabilities.

642 (c) Civil rights, including s. 1000.05, relating to  
643 discrimination.

644 (d) Student health, safety, and welfare.

HB 1341

2013

645        (e) Maximum class size under s. 1003.03, except that the  
646 calculation for compliance shall be the average at the school  
647 level.

648        (3) An academically high-performing school choice district  
649 must comply with s. 286.011, relating to public meetings, and  
650 chapter 119, relating to public records.

651        (4) The commissioner, upon the request of a school  
652 district, shall verify that the school district meets the  
653 criteria in this section for the prior school year and provide a  
654 letter to the district school superintendent affirming that the  
655 school district is a high-performing school choice district.

656        Section 8. Section 1010.305, Florida Statutes, is amended  
657 to read:

658        1010.305 Audit of student enrollment.—

659        (1) The Auditor General shall periodically examine the  
660 records of school districts, charter schools, and other agencies  
661 as appropriate, to determine compliance with law and State Board  
662 of Education rules relating to the classification, assignment,  
663 and verification of full-time equivalent student enrollment and  
664 student transportation reported under the Florida Education  
665 Finance Program. A charter school may request an expedited  
666 review by the Auditor General.

667        (2) If it is determined that the approved criteria and  
668 procedures for the placement of students and the conduct of  
669 programs have not been followed by the district or by a  
670 district-sponsored charter school, appropriate adjustments in  
671 the full-time equivalent student count for that district or  
672 charter school must be made, and any excess funds must be



HB 1341

2013

673 deducted from subsequent allocations of state funds to that  
674 district or charter school. As provided for by rule, if errors  
675 in a specific program of a district or charter school recur in  
676 consecutive years due to lack of corrective action by the  
677 district or charter school, adjustments may be made based upon  
678 statistical estimates of error projected to the overall district  
679 or charter school program.

680 Section 9. Subsection (1) of section 1013.37, Florida  
681 Statutes, is amended to read:

682 1013.37 State uniform building code for public educational  
683 facilities construction.—

684 (1) UNIFORM BUILDING CODE.—A uniform statewide building  
685 code for the planning and construction of public educational and  
686 ancillary plants by district school boards and Florida College  
687 System institution district boards of trustees shall be adopted  
688 by the Florida Building Commission within the Florida Building  
689 Code, pursuant to s. 553.73, and within s. 423 of the State  
690 Requirements for Educational Facilities. New construction,  
691 remodeling, and renovation projects are bound by the Florida  
692 Building Code. Included in this code must be flood plain  
693 management criteria in compliance with the rules and regulations  
694 in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto  
695 which are adopted by the Federal Emergency Management Agency. It  
696 is also the responsibility of the department to develop, as a  
697 part of the uniform building code, standards relating to:

698 (a) Prefabricated facilities or factory-built facilities  
699 that are designed to be portable, relocatable, demountable, or  
700 reconstructible; are used primarily as classrooms; and do not

HB 1341

2013

701 fall under the provisions of ss. 320.822-320.862. Such standards  
702 must permit boards to contract with the Department of Business  
703 and Professional Regulation for factory inspections by certified  
704 building code inspectors to certify conformance with applicable  
705 law and rules. The standards must comply with the requirements  
706 of s. 1013.20 for relocatable facilities intended for long-term  
707 use as classroom space, and the relocatable facilities shall be  
708 designed subject to missile impact criteria of s. 423(24)(d)(1)  
709 of the Florida Building Code when located in the windborne  
710 debris region.

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

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

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

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

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

726 a. The reasonably expected fuel costs over the life of the  
727 building which are required to maintain illumination, water  
728 heating, temperature, humidity, ventilation, and all other

729 energy-consuming equipment in a facility; and  
 730       b. The reasonable costs of probable maintenance, including  
 731 labor and materials, and operation of the building.  
 732       2. For computation of the life-cycle costs, the department  
 733 shall develop standards that must include, but need not be  
 734 limited to:  
 735       a. The orientation and integration of the facility with  
 736 respect to its physical site.  
 737       b. The amount and type of glass employed in the facility  
 738 and the directions of exposure.  
 739       c. The effect of insulation incorporated into the facility  
 740 design and the effect on solar utilization of the properties of  
 741 external surfaces.  
 742       d. The variable occupancy and operating conditions of the  
 743 facility and subportions of the facility.  
 744       e. An energy-consumption analysis of the major equipment  
 745 of the facility's heating, ventilating, and cooling system;  
 746 lighting system; and hot water system and all other major  
 747 energy-consuming equipment and systems as appropriate.  
 748       3. Life-cycle cost criteria published by the Department of  
 749 Education for use in evaluating projects.  
 750       4. Standards for construction materials and systems based  
 751 on life-cycle costs that consider initial costs, maintenance  
 752 costs, custodial costs, operating costs, and life expectancy.  
 753 The standards may include multiple acceptable materials. It is  
 754 the intent of the Legislature to require district school boards  
 755 to comply with these standards when expending funds from the  
 756 Public Education Capital Outlay and Debt Service Trust Fund or

HB 1341

2013

757 the School District and Community College District Capital  
758 Outlay and Debt Service Trust Fund and to prohibit district  
759 school boards from expending local capital outlay revenues for  
760 any project that includes materials or systems that do not  
761 comply with these standards, unless the district school board  
762 submits evidence that alternative materials or systems meet or  
763 exceed standards developed by the department.

764

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

774 Section 10. This act shall take effect July 1, 2013.