

By Senator Garcia

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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

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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.

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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,

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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 for
109 a charter school using an evaluation instrument developed by the
110 department ~~of Education~~. A sponsor shall receive and consider
111 charter school applications received on or before August 1 of
112 each calendar year for charter schools to be opened at the
113 beginning of the school district's next school year, or to be
114 opened at a time agreed to by the applicant and the sponsor. A
115 sponsor may receive applications later than this date if it
116 chooses. A sponsor may not charge an applicant for a charter any

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117 fee for the processing or consideration of an application, and a
118 sponsor may not base its consideration or approval of an
119 application upon the promise of future payment of any kind.
120 Before approving or denying any application, the sponsor shall
121 allow the applicant, upon receipt of written notification, at
122 least 7 calendar days to make technical or nonsubstantive
123 corrections and clarifications, including, but not limited to,
124 corrections of grammatical, typographical, and like errors or
125 missing signatures, if such errors are identified by the sponsor
126 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 application
137 for a charter school shall include a full accounting of expected
138 assets, a projection of expected sources and amounts of income,
139 including income derived from projected student enrollments and
140 from community support, and an expense projection that includes
141 full accounting of the costs of operation, including start-up
142 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

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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 or
169 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.

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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 report
196 to the department ~~of Education~~ the approval or denial of a
197 charter application within 10 calendar days after such approval
198 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

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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
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

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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 and
258 financial management practices do not materially comply with ~~the~~
259 ~~requirements of~~ this section.

260 4. The State Board of Education shall approve or reject the
261 sponsor's denial of an application within ~~no later than~~ 90

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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 who
276 submits a timely application, unless the number of applications
277 exceeds the capacity of a program, class, grade level, or
278 building. In such case, all applicants shall have an equal
279 chance of being admitted through a random selection process that
280 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 or
285 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

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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 another
309 pursuant to an articulation agreement between the charter
310 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

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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
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

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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
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

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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~~

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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
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

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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.~~

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 ~~nonconversion charter schools;~~

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

456 ~~c. Has a total enrollment exceeding the total enrollment of~~
457 ~~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 for~~
460 ~~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~~

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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 a
475 fee of up to 5 percent. The funds must ~~shall~~ be used to cover
476 the cost of services provided under this paragraph ~~subparagraph~~
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:

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

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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

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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 in
555 which the number of students exceeds the maximum and the total
556 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
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

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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
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).~~

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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:

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

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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.

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

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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
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

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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
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 of:

725 a. The reasonably expected fuel costs over the life of the

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726 building which are required to maintain illumination, water
727 heating, temperature, humidity, ventilation, and all other
728 energy-consuming equipment in a facility; and

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

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

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

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

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

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

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

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

749 4. Standards for construction materials and systems based
750 on life-cycle costs that consider initial costs, maintenance
751 costs, custodial costs, operating costs, and life expectancy.
752 The standards may include multiple acceptable materials. It is
753 the intent of the Legislature to require district school boards
754 to comply with these standards when expending funds from the

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

763

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

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