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576-04102-14

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to charter schools; amending s.
1002.33, F.S.; authorizing a military installation
commander of a military installation to apply for a
charter school located on the military installation;
establishing conditions for the commander and charter
school governing board; revising requirements for
charter school applications to include additional
fiscal responsibility standards; providing an
effective date.

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

Section 1. Paragraph (a) of subsection (3) and paragraph
(b) of subsection (6) of section 1002.33, Florida Statutes, are
amended to read:

1002.33 Charter schools.—

(3) APPLICATION FOR CHARTER STATUS.—

(a) An application for a new charter school may be made by
an individual, teachers, parents, a group of individuals, a
municipality, or a legal entity organized under the laws of this
state. An application for a charter school may be made by the
military installation commander of a military installation, if
the commander is a member of the charter school's not-for-profit
governing board, the charter school is located on the military
installation, and the governing board operates the charter
school or contracts with a management company or similar entity



666216

576-04102-14

28 to operate the charter school.

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

31 (b) A sponsor shall receive and review all applications for
32 a charter school using an evaluation instrument developed by the
33 Department of Education. A sponsor shall receive and consider
34 charter school applications received on or before August 1 of
35 each calendar year for charter schools to be opened at the
36 beginning of the school district's next school year, or to be
37 opened at a time agreed to by the applicant and the sponsor. A
38 sponsor may not refuse to receive a charter school application
39 submitted before August 1 and may receive an application
40 submitted later than August 1 if it chooses. In order to
41 facilitate greater collaboration in the application process, an
42 applicant may submit a draft charter school application on or
43 before May 1 with an application fee of \$500. If a draft
44 application is timely submitted, the sponsor shall review and
45 provide feedback as to material deficiencies in the application
46 by July 1. The applicant shall then have until August 1 to
47 resubmit a revised and final application. The sponsor may
48 approve the draft application. A sponsor may not charge an
49 applicant for a charter any fee for the processing or
50 consideration of an application, and a sponsor may not base its
51 consideration or approval of a final application upon the
52 promise of future payment of any kind. Before approving or
53 denying any final application, the sponsor shall allow the
54 applicant, upon receipt of written notification, at least 7
55 calendar days to make technical or nonsubstantive corrections
56 and clarifications, including, but not limited to, corrections



666216

576-04102-14

57 of grammatical, typographical, and like errors or missing
58 signatures, if such errors are identified by the sponsor as
59 cause to deny the final application.

60 1. In order to facilitate an accurate budget projection
61 process, a sponsor shall be held harmless for FTE students who
62 are not included in the FTE projection due to approval of
63 charter school applications after the FTE projection deadline.
64 In a further effort to facilitate an accurate budget projection,
65 within 15 calendar days after receipt of a charter school
66 application, a sponsor shall report to the Department of
67 Education the name of the applicant entity, the proposed charter
68 school location, and its projected FTE.

69 2. In order to ensure fiscal responsibility, an application
70 for a charter school made by an individual, teachers, parents, a
71 group of individuals, a municipality, a legal entity organized
72 under the laws of this state, or any other third party
73 associated with the management or reporting responsibility of
74 the charter school contract shall include a full accounting of
75 expected assets, a projection of expected sources and amounts of
76 income, including income derived from projected student
77 enrollments and from community support, ~~and~~ an expense
78 projection that includes full accounting of the costs of
79 operation, including start-up costs, and fees paid to a third
80 party for services and the purpose of such fees.

81 3.a. A sponsor shall by a majority vote approve or deny an
82 application no later than 60 calendar days after the application
83 is received, unless the sponsor and the applicant mutually agree
84 in writing to temporarily postpone the vote to a specific date,
85 at which time the sponsor shall by a majority vote approve or



666216

576-04102-14

86 deny the application. If the sponsor fails to act on the
87 application, an applicant may appeal to the State Board of
88 Education as provided in paragraph (c). If an application is
89 denied, the sponsor shall, within 10 calendar days after such
90 denial, articulate in writing the specific reasons, based upon
91 good cause, supporting its denial of the charter application and
92 shall provide the letter of denial and supporting documentation
93 to the applicant and to the Department of Education.

94 b. An application submitted by a high-performing charter
95 school identified pursuant to s. 1002.331 may be denied by the
96 sponsor only if the sponsor demonstrates by clear and convincing
97 evidence that:

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

100 (II) The charter school proposed in the application does
101 not materially comply with the requirements in paragraphs
102 (9) (a)-(f);

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

106 (IV) The applicant has made a material misrepresentation or
107 false statement or concealed an essential or material fact
108 during the application process; or

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

112
113 Material noncompliance is a failure to follow requirements or a
114 violation of prohibitions applicable to charter school



666216

576-04102-14

115 applications, which failure is quantitatively or qualitatively
116 significant either individually or when aggregated with other
117 noncompliance. An applicant is considered to be replicating a
118 high-performing charter school if the proposed school is
119 substantially similar to at least one of the applicant's high-
120 performing charter schools and the organization or individuals
121 involved in the establishment and operation of the proposed
122 school are significantly involved in the operation of replicated
123 schools.

124 c. If the sponsor denies an application submitted by a
125 high-performing charter school, the sponsor must, within 10
126 calendar days after such denial, state in writing the specific
127 reasons, based upon the criteria in sub-subparagraph b.,
128 supporting its denial of the application and must provide the
129 letter of denial and supporting documentation to the applicant
130 and to the Department of Education. The applicant may appeal the
131 sponsor's denial of the application directly to the State Board
132 of Education pursuant to sub-subparagraph (c)3.b.

133 4. For budget projection purposes, the sponsor shall report
134 to the Department of Education the approval or denial of a
135 charter application within 10 calendar days after such approval
136 or denial. In the event of approval, the report to the
137 Department of Education shall include the final projected FTE
138 for the approved charter school.

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

143 Section 2. This act shall take effect July 1, 2014.