

By the Committee on Education; and Senator Hutson

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1 A bill to be entitled
2 An act relating to education; creating s. 1002.24,
3 F.S.; providing legislative findings and intent;
4 requiring the Department of Education to collect
5 certain information about career preparation and
6 placement in this state; requiring the department to
7 annually distribute such information to school
8 guidance counselors at each public high school in this
9 state; requiring such career preparation and placement
10 information to be distributed to students by a certain
11 date each year; authorizing the department to enter
12 into a memorandum of understanding to share the career
13 preparation and placement information with other state
14 agencies; amending s. 1002.33, F.S.; authorizing state
15 universities designated by the State Board of
16 Education to sponsor a charter school; authorizing a
17 Florida College System institution designated by the
18 state board to sponsor a charter school under certain
19 circumstances; authorizing a state university or
20 Florida College System institution to deny an
21 application for a charter school; revising
22 requirements for the report made by sponsors to the
23 Department of Education; eliminating a requirement
24 that a charter school working with a Florida College
25 System institution must implement a blended learning
26 instructional model; providing that the board of
27 trustees of a sponsoring state university or Florida
28 College System institution is the local educational
29 agency for purposes of receiving federal funds for

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30 sponsored charter schools; providing that a student
31 enrolled in a charter school that is sponsored by a
32 state university or a Florida College System
33 institution may not be included in the calculation of
34 a school district's grade; requiring the department,
35 in collaboration with charter school sponsors and
36 charter school operators, to develop a sponsor
37 evaluation framework that must address certain
38 requirements; deleting a provision related to
39 acceptance and consideration of charter school
40 applications; deleting a provision requiring that
41 initial startup of a charter school commence within a
42 specified timeframe; providing that charter schools
43 operated by a municipality, a public entity, or a
44 private, not-for-profit organization are eligible for
45 a 15-year charter if approved by the sponsor;
46 requiring sponsors to report a charter school that
47 closes as part of a consolidation; clarifying the
48 circumstances under which a charter may be terminated
49 immediately; providing for certain property,
50 improvements, furnishings, and equipment to revert to
51 the sponsor upon dissolution of a charter school;
52 providing that a sponsor may not assume charter school
53 debt except under certain circumstances; authorizing
54 charter schools to limit the enrollment process to
55 target certain additional student populations;
56 requiring that any arrangement entered into to borrow
57 or otherwise secure funds for a charter school from
58 certain sources indemnify the sponsor, rather than the

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59 school district; specifying funding requirements for
60 students enrolled in a charter school sponsored by a
61 state university or a Florida College System
62 institution; requiring a local governing authority to
63 provide a written justification for any challenged
64 requirements, restrictions, and site planning
65 processes, under certain circumstances; requiring
66 courts to award attorney fees and court costs to a
67 charter school if they determine that a local
68 governing authority failed to treat a charter school
69 equitably; providing that places of worship, rather
70 than only specifically churches, may provide space to
71 charter schools in their facilities; prohibiting local
72 governing authorities from imposing additional
73 requirements on such facilities; requiring that the
74 educational occupant load for a charter school within
75 such facilities be based solely on the criteria set
76 forth in the Florida Building Code and the Florida
77 Fire Prevention Code; authorizing a school district to
78 enter into an agreement to plan, design, and construct
79 a charter school and to serve as the financial agent,
80 lienholder, or lessor; requiring a sponsor to provide
81 access to the sponsor's student information systems
82 and student performance data in certain circumstances;
83 amending s. 1002.333, F.S.; requiring the department
84 to annually provide to school districts a list of
85 certain facilities; requiring the department to update
86 and publish a final list of such facilities owned or
87 operated by each school district by a certain date;

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88 authorizing allocated funds that are not disbursed by
89 a certain date to be carried forward for up to 7 years
90 after the date of the original appropriation; amending
91 s. 1003.493, F.S.; authorizing charter schools to
92 offer career and professional academies; amending s.
93 1013.385, F.S.; deleting provisions authorizing
94 certain resolutions to propose the implementation of
95 specified exceptions to certain building code
96 requirements; providing that resolutions may implement
97 exceptions to certain sections of the Florida Building
98 Code that limit the ability of a school district to
99 design and construct a facility in the same manner as
100 a charter school; reenacting ss. 11.40(c)(2),
101 163.3180(6)(h), 196.1983, 218.39(1)(e),
102 381.0056(4)(a), 409.1664(1)(b), 409.9072(1),
103 944.801(7), 951.176(1), 1006.15(3)(d), 1008.33(3)(c),
104 and 1011.61(1)(c), F.S., relating to the Legislative
105 Auditing Committee, concurrency, the charter school
106 exemption from ad valorem taxes, annual financial
107 audit reports, the school health services program,
108 adoption benefits for qualifying adoptive employees of
109 state agencies, Medicaid provider agreements for
110 charter schools and private schools, education for
111 state prisoners, provision of education, student
112 standards for participation in interscholastic and
113 intrascholastic extracurricular student activities,
114 authority to enforce public school improvement, and
115 definitions for the Florida Education Finance Program,
116 respectively, to incorporate the amendment made to s.

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117 1002.33, F.S., in references thereto; providing
118 effective dates.
119

120 Be It Enacted by the Legislature of the State of Florida:
121

122 Section 1. Effective January 1, 2021, section 1002.24,
123 Florida Statutes, is created to read:

124 1002.24 Career landscape information.-

125 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
126 that high school students should be provided the information
127 necessary to make informed decisions about their futures and to
128 ensure that they are aware of the costs of attending a
129 postsecondary institution. The Legislature also finds that high
130 school students should be provided with information regarding
131 alternative career paths.

132 (2) CAREER LANDSCAPE INFORMATION COLLECTION.-The Department
133 of Education shall collect and compile all of the following
134 information annually:

135 (a) The jobs in this state for which there is the highest
136 demand for employees, including the starting salary and the
137 required level of education for such jobs.

138 (b) The average cost of attendance, including in-state
139 tuition, fees, and, if applicable, room and board, for career
140 and technical education programs, Florida College System
141 institutions, and state universities.

142 (c) The respective average monthly student loan payments of
143 students upon graduation from such programs, institutions, and
144 universities.

145 (d) The respective average 3-year student loan default

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146 rates for such programs, institutions, and universities.

147 (e) The respective average graduation rates for such
148 programs, institutions, and universities.

149 (f) The completion rates for apprenticeship programs,
150 educational credential programs, career and technical education
151 programs, and first-term military enlisted personnel,
152 respectively.

153 (g) The percentage of college graduates working in
154 occupations that do not require a college degree, listed by
155 major.

156 (h) The average starting salaries for individuals
157 graduating from career and technical education programs in this
158 state, Florida College System institutions, and state
159 universities, respectively.

160 (3) INFORMATION DISTRIBUTION.—The information collected by
161 the Department of Education under subsection (2) must be
162 distributed to school guidance counselors at each public high
163 school in this state and made available to students by no later
164 than October 15 of each year.

165 (4) DATA SHARING.—The Department of Education may execute a
166 memorandum of understanding with any state agency, or a
167 department or division thereof, to gain access to the
168 information required to be collected under subsection (2).

169 Section 2. Paragraph (c) of subsection (2), subsection (5),
170 paragraph (b) of subsection (6), paragraphs (a) and (d) of
171 subsection (7), paragraphs (c), (d), and (e) of subsection (8),
172 paragraphs (g) and (n) of subsection (9), paragraph (e) of
173 subsection (10), subsection (14), paragraph (c) of subsection
174 (15), paragraphs (a), (b), and (e) of subsection (17),

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175 paragraphs (a), (c), and (e) of subsection (18), subsections
176 (20) and (21), paragraph (a) of subsection (25), and subsection
177 (28) of section 1002.33, Florida Statutes, are amended to read:
178 1002.33 Charter schools.—
179 (2) GUIDING PRINCIPLES; PURPOSE.—
180 (c) Charter schools may fulfill the following purposes:
181 1. Create innovative measurement tools.
182 2. Provide rigorous competition within the public school
183 system ~~district~~ to stimulate continual improvement in all public
184 schools.
185 3. Expand the capacity of the public school system.
186 4. Mitigate the educational impact created by the
187 development of new residential dwelling units.
188 5. Create new professional opportunities for teachers,
189 including ownership of the learning program at the school site.
190 (5) SPONSOR; DUTIES.—
191 (a) *Sponsoring entities*.—
192 1. A district school board may sponsor a charter school in
193 the county over which the district school board has
194 jurisdiction.
195 2. A state university may grant a charter to a lab school
196 created under s. 1002.32 and shall be considered to be the
197 school's sponsor. Such school shall be considered a charter lab
198 school.
199 3. Because needs relating to educational capacity,
200 workforce qualifications, and career education opportunities are
201 constantly changing and extend beyond school district
202 boundaries:
203 a. A state university, upon receiving approval from the

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204 State Board of Education, may solicit applications and sponsor a
205 charter school to meet regional education or workforce demands
206 by serving students from multiple school districts.

207 b. A Florida College System institution, upon receiving
208 approval from the State Board of Education, may solicit
209 applications and sponsor a charter school in any county within
210 its service area to meet workforce demands and may offer
211 postsecondary programs leading to industry certifications to
212 eligible charter school students. A charter school developed
213 under subparagraph (b)4. is not eligible to be sponsored by a
214 Florida College System institution until its existing charter
215 with the school district expires, as provided in subsection (7).

216 c. Notwithstanding paragraph (6) (b), a state university or
217 a Florida College System institution may deny an application for
218 a charter school, at which point provisions outlined in
219 subsection (6) (c)1. are not applicable.

220 (b) *Sponsor duties.*—

221 1.a. The sponsor shall monitor and review the charter
222 school in its progress toward the goals established in the
223 charter.

224 b. The sponsor shall monitor the revenues and expenditures
225 of the charter school and perform the duties provided in s.
226 1002.345.

227 c. The sponsor may approve a charter for a charter school
228 before the applicant has identified space, equipment, or
229 personnel, if the applicant indicates approval is necessary for
230 it to raise working funds.

231 d. The sponsor shall not apply its policies to a charter
232 school unless mutually agreed to by both the sponsor and the

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233 charter school. If the sponsor subsequently amends any agreed-
234 upon sponsor policy, the version of the policy in effect at the
235 time of the execution of the charter, or any subsequent
236 modification thereof, shall remain in effect and the sponsor may
237 not hold the charter school responsible for any provision of a
238 newly revised policy until the revised policy is mutually agreed
239 upon.

240 e. The sponsor shall ensure that the charter is innovative
241 and consistent with the state education goals established by s.
242 1000.03(5).

243 f. The sponsor shall ensure that the charter school
244 participates in the state's education accountability system. If
245 a charter school falls short of performance measures included in
246 the approved charter, the sponsor shall report such shortcomings
247 to the Department of Education.

248 g. The sponsor shall not be liable for civil damages under
249 state law for personal injury, property damage, or death
250 resulting from an act or omission of an officer, employee,
251 agent, or governing body of the charter school.

252 h. The sponsor shall not be liable for civil damages under
253 state law for any employment actions taken by an officer,
254 employee, agent, or governing body of the charter school.

255 i. The sponsor's duties to monitor the charter school shall
256 not constitute the basis for a private cause of action.

257 j. The sponsor shall not impose additional reporting
258 requirements on a charter school without providing reasonable
259 and specific justification in writing to the charter school.

260 k. The sponsor shall submit an annual report to the
261 Department of Education in a web-based format to be determined

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262 by the department.

263 (I) The report must ~~shall~~ include the following
264 information:

265 ~~(A) The number of draft applications received on or before~~
266 ~~May 1 and each applicant's contact information.~~

267 (A) ~~(B)~~ The number of ~~final~~ applications received on or
268 before February ~~August~~ 1 and each applicant's contact
269 information.

270 (B) ~~(C)~~ The date each application was approved, denied, or
271 withdrawn.

272 (C) ~~(D)~~ The date each final contract was executed.

273 (II) By each November 1 ~~Beginning August 31, 2013, and each~~
274 ~~year thereafter~~, the sponsor shall submit to the department the
275 information for the applications submitted the previous year.

276 (III) The department shall compile an annual report, by
277 sponsor ~~district~~, and post the report on its website by January
278 15 ~~November 1~~ of each year.

279 2. Immunity for the sponsor of a charter school under
280 subparagraph 1. applies only with respect to acts or omissions
281 not under the sponsor's direct authority as described in this
282 section.

283 3. This paragraph does not waive a sponsor's ~~district~~
284 ~~school board's~~ sovereign immunity.

285 4. A Florida College System institution may work with the
286 school district or school districts in its designated service
287 area to develop charter schools that offer secondary education.
288 These charter schools must include an option for students to
289 receive an associate degree upon high school graduation. If a
290 Florida College System institution operates an approved teacher

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291 preparation program under s. 1004.04 or s. 1004.85, the
292 institution may operate ~~no more than one~~ charter schools ~~school~~
293 that serve ~~serves~~ students in kindergarten through grade 12 in
294 any school district within county or counties served by the
295 institution as specified in s. 1000.21(3). ~~In kindergarten~~
296 ~~through grade 8, the charter school shall implement innovative~~
297 ~~blended learning instructional models in which, for a given~~
298 ~~course, a student learns in part through online delivery of~~
299 ~~content and instruction with some element of student control~~
300 ~~over time, place, path, or pace and in part at a supervised~~
301 ~~brick and mortar location away from home. A student in a blended~~
302 ~~learning course must be a full-time student of the charter~~
303 ~~school and receive the online instruction in a classroom setting~~
304 ~~at the charter school.~~ District school boards shall cooperate
305 with and assist the Florida College System institution on the
306 charter application. Florida College System institution
307 applications for charter schools are not subject to the time
308 deadlines outlined in subsection (6) and may be approved by the
309 district school board at any time during the year. Florida
310 College System institutions may not report FTE for any students
311 participating under this subparagraph who receive FTE funding
312 through the Florida Education Finance Program.

313 5. A school district may enter into nonexclusive interlocal
314 agreements with federal and state agencies, counties,
315 municipalities, and other governmental entities that operate
316 within the geographical borders of the school district to act on
317 behalf of such governmental entities in the inspection,
318 issuance, and other necessary activities for all necessary
319 permits, licenses, and other permissions that a charter school

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320 needs in order for development, construction, or operation. A
321 charter school may use, but may not be required to use, a school
322 district for these services. The interlocal agreement must
323 include, but need not be limited to, the identification of fees
324 that charter schools will be charged for such services. The fees
325 must consist of the governmental entity's fees plus a fee for
326 the school district to recover no more than actual costs for
327 providing such services. These services and fees are not
328 included within the services to be provided pursuant to
329 subsection (20).

330 6. The board of trustees of a state university or a Florida
331 College System institution that sponsors a charter school as
332 provided in paragraph (a) is the local educational agency for
333 any charter school it sponsors for the purpose of receiving
334 federal funds and shall accept full responsibility for
335 compliance with all requirements imposed by law on local
336 educational agencies and the schools for which it performs local
337 educational agency responsibilities. A student enrolled in a
338 charter school that is sponsored by a state university or a
339 Florida College System institution may not be included in the
340 calculation of the school district's grade under s. 1008.34(5)
341 for the school district in which the student resides.

342 (c) Sponsor accountability.-

343 1. The department, in collaboration with charter school
344 sponsors and charter school operators, shall develop a sponsor
345 evaluation framework that, at a minimum, addresses all of the
346 following:

347 a. The sponsor's strategic vision for charter school
348 authorization and the sponsor's progress toward that vision.

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349 b. The alignment of the sponsor's policies and practices
350 with best practices for charter school authorization.

351 c. The academic and financial performance of all operating
352 charter schools overseen by the sponsor.

353 d. The status of all charter schools authorized by the
354 sponsor, including approved, operating, and closed schools.

355 2. The department shall compile the results of the
356 evaluation conducted under subparagraph 1., by sponsor, and
357 include them in the annual report required under sub-sub-
358 subparagraph (b)1.k.(III).

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

361 (b) A sponsor shall receive and review all applications for
362 a charter school using the evaluation instrument developed by
363 the Department of Education. ~~A sponsor shall receive and~~
364 ~~consider charter school applications received on or before~~
365 ~~August 1 of each calendar year for charter schools to be opened~~
366 ~~at the beginning of the school district's next school year, or~~
367 ~~to be opened at a time agreed to by the applicant and the~~
368 ~~sponsor. A sponsor may not refuse to receive a charter school~~
369 ~~application submitted before August 1 and may receive an~~
370 ~~application submitted later than August 1 if it chooses.~~
371 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
372 consider charter school applications received on or before
373 February 1 of each calendar year for charter schools to be
374 opened 18 months later at the beginning of the ~~school district's~~
375 school year, or to be opened at a time determined by the
376 applicant. A sponsor may not refuse to receive a charter school
377 application submitted before February 1 and may receive an

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378 application submitted later than February 1 if it chooses. A
379 sponsor may not charge an applicant for a charter any fee for
380 the processing or consideration of an application, and a sponsor
381 may not base its consideration or approval of a final
382 application upon the promise of future payment of any kind.
383 Before approving or denying any application, the sponsor shall
384 allow the applicant, upon receipt of written notification, at
385 least 7 calendar days to make technical or nonsubstantive
386 corrections and clarifications, including, but not limited to,
387 corrections of grammatical, typographical, and like errors or
388 missing signatures, if such errors are identified by the sponsor
389 as cause to deny the final application.

390 1. In order to facilitate an accurate budget projection
391 process, a sponsor shall be held harmless for FTE students who
392 are not included in the FTE projection due to approval of
393 charter school applications after the FTE projection deadline.
394 In a further effort to facilitate an accurate budget projection,
395 within 15 calendar days after receipt of a charter school
396 application, a sponsor shall report to the Department of
397 Education the name of the applicant entity, the proposed charter
398 school location, and its projected FTE.

399 2. In order to ensure fiscal responsibility, an application
400 for a charter school shall include a full accounting of expected
401 assets, a projection of expected sources and amounts of income,
402 including income derived from projected student enrollments and
403 from community support, and an expense projection that includes
404 full accounting of the costs of operation, including start-up
405 costs.

406 3.a. A sponsor shall by a majority vote approve or deny an

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407 application no later than 90 calendar days after the application
408 is received, unless the sponsor and the applicant mutually agree
409 in writing to temporarily postpone the vote to a specific date,
410 at which time the sponsor shall by a majority vote approve or
411 deny the application. If the sponsor fails to act on the
412 application, an applicant may appeal to the State Board of
413 Education as provided in paragraph (c). If an application is
414 denied, the sponsor shall, within 10 calendar days after such
415 denial, articulate in writing the specific reasons, based upon
416 good cause, supporting its denial of the application and shall
417 provide the letter of denial and supporting documentation to the
418 applicant and to the Department of Education.

419 b. An application submitted by a high-performing charter
420 school identified pursuant to s. 1002.331 or a high-performing
421 charter school system identified pursuant to s. 1002.332 may be
422 denied by the sponsor only if the sponsor demonstrates by clear
423 and convincing evidence that:

424 (I) The application of a high-performing charter school
425 does not materially comply with the requirements in paragraph
426 (a) or, for a high-performing charter school system, the
427 application does not materially comply with s. 1002.332(2)(b);

428 (II) The charter school proposed in the application does
429 not materially comply with the requirements in paragraphs
430 (9)(a)-(f);

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

434 (IV) The applicant has made a material misrepresentation or
435 false statement or concealed an essential or material fact

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436 during the application process; or

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

440

441 Material noncompliance is a failure to follow requirements or a
442 violation of prohibitions applicable to charter school
443 applications, which failure is quantitatively or qualitatively
444 significant either individually or when aggregated with other
445 noncompliance. An applicant is considered to be replicating a
446 high-performing charter school if the proposed school is
447 substantially similar to at least one of the applicant's high-
448 performing charter schools and the organization or individuals
449 involved in the establishment and operation of the proposed
450 school are significantly involved in the operation of replicated
451 schools.

452 c. If the sponsor denies an application submitted by a
453 high-performing charter school or a high-performing charter
454 school system, the sponsor must, within 10 calendar days after
455 such denial, state in writing the specific reasons, based upon
456 the criteria in sub-subparagraph b., supporting its denial of
457 the application and must provide the letter of denial and
458 supporting documentation to the applicant and to the Department
459 of Education. The applicant may appeal the sponsor's denial of
460 the application in accordance with paragraph (c).

461 4. For budget projection purposes, the sponsor shall report
462 to the Department of Education the approval or denial of an
463 application within 10 calendar days after such approval or
464 denial. In the event of approval, the report to the Department

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465 of Education shall include the final projected FTE for the
466 approved charter school.

467 5. ~~Upon approval of an application, the initial startup~~
468 ~~shall commence with the beginning of the public school calendar~~
469 ~~for the district in which the charter is granted.~~ A charter
470 school may defer the opening of the school's operations for up
471 to 3 years to provide time for adequate facility planning. The
472 charter school must provide written notice of such intent to the
473 sponsor and the parents of enrolled students at least 30
474 calendar days before the first day of school.

475 (7) CHARTER.—The terms and conditions for the operation of
476 a charter school shall be set forth by the sponsor and the
477 applicant in a written contractual agreement, called a charter.
478 The sponsor and the governing board of the charter school shall
479 use the standard charter contract pursuant to subsection (21),
480 which shall incorporate the approved application and any addenda
481 approved with the application. Any term or condition of a
482 proposed charter contract that differs from the standard charter
483 contract adopted by rule of the State Board of Education shall
484 be presumed a limitation on charter school flexibility. The
485 sponsor may not impose unreasonable rules or regulations that
486 violate the intent of giving charter schools greater flexibility
487 to meet educational goals. The charter shall be signed by the
488 governing board of the charter school and the sponsor, following
489 a public hearing to ensure community input.

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

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

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494 2. The focus of the curriculum, the instructional methods
495 to be used, any distinctive instructional techniques to be
496 employed, and identification and acquisition of appropriate
497 technologies needed to improve educational and administrative
498 performance which include a means for promoting safe, ethical,
499 and appropriate uses of technology which comply with legal and
500 professional standards.

501 a. The charter shall ensure that reading is a primary focus
502 of the curriculum and that resources are provided to identify
503 and provide specialized instruction for students who are reading
504 below grade level. The curriculum and instructional strategies
505 for reading must be consistent with the Next Generation Sunshine
506 State Standards and grounded in scientifically based reading
507 research.

508 b. In order to provide students with access to diverse
509 instructional delivery models, to facilitate the integration of
510 technology within traditional classroom instruction, and to
511 provide students with the skills they need to compete in the
512 21st century economy, the Legislature encourages instructional
513 methods for blended learning courses consisting of both
514 traditional classroom and online instructional techniques.
515 Charter schools may implement blended learning courses which
516 combine traditional classroom instruction and virtual
517 instruction. Students in a blended learning course must be full-
518 time students of the charter school pursuant to s.
519 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
520 1012.55 who provide virtual instruction for blended learning
521 courses may be employees of the charter school or may be under
522 contract to provide instructional services to charter school

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523 students. At a minimum, such instructional personnel must hold
524 an active state or school district adjunct certification under
525 s. 1012.57 for the subject area of the blended learning course.
526 The funding and performance accountability requirements for
527 blended learning courses are the same as those for traditional
528 courses.

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

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

535 b. How these baseline rates will be compared to rates of
536 academic progress achieved by these same students while
537 attending the charter school.

538 c. To the extent possible, how these rates of progress will
539 be evaluated and compared with rates of progress of other
540 closely comparable student populations.

541
542 The district school board is required to provide academic
543 student performance data to charter schools for each of their
544 students coming from the district school system, as well as
545 rates of academic progress of comparable student populations in
546 the district school system.

547 4. The methods used to identify the educational strengths
548 and needs of students and how well educational goals and
549 performance standards are met by students attending the charter
550 school. The methods shall provide a means for the charter school
551 to ensure accountability to its constituents by analyzing

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552 student performance data and by evaluating the effectiveness and
553 efficiency of its major educational programs. Students in
554 charter schools shall, at a minimum, participate in the
555 statewide assessment program created under s. 1008.22.

556 5. In secondary charter schools, a method for determining
557 that a student has satisfied the requirements for graduation in
558 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

559 6. A method for resolving conflicts between the governing
560 board of the charter school and the sponsor.

561 7. The admissions procedures and dismissal procedures,
562 including the school's code of student conduct. Admission or
563 dismissal must not be based on a student's academic performance.

564 8. The ways by which the school will achieve a
565 racial/ethnic balance reflective of the community it serves or
566 within the racial/ethnic range of other nearby public schools ~~in~~
567 ~~the same school district.~~

568 9. The financial and administrative management of the
569 school, including a reasonable demonstration of the professional
570 experience or competence of those individuals or organizations
571 applying to operate the charter school or those hired or
572 retained to perform such professional services and the
573 description of clearly delineated responsibilities and the
574 policies and practices needed to effectively manage the charter
575 school. A description of internal audit procedures and
576 establishment of controls to ensure that financial resources are
577 properly managed must be included. Both public sector and
578 private sector professional experience shall be equally valid in
579 such a consideration.

580 10. The asset and liability projections required in the

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581 application which are incorporated into the charter and shall be
582 compared with information provided in the annual report of the
583 charter school.

584 11. A description of procedures that identify various risks
585 and provide for a comprehensive approach to reduce the impact of
586 losses; plans to ensure the safety and security of students and
587 staff; plans to identify, minimize, and protect others from
588 violent or disruptive student behavior; and the manner in which
589 the school will be insured, including whether or not the school
590 will be required to have liability insurance, and, if so, the
591 terms and conditions thereof and the amounts of coverage.

592 12. The term of the charter which shall provide for
593 cancellation of the charter if insufficient progress has been
594 made in attaining the student achievement objectives of the
595 charter and if it is not likely that such objectives can be
596 achieved before expiration of the charter. The initial term of a
597 charter shall be for 5 years, excluding 2 planning years. In
598 order to facilitate access to long-term financial resources for
599 charter school construction, charter schools that are operated
600 by a municipality or other public entity as provided by law are
601 eligible for up to a 15-year charter, subject to approval by the
602 sponsor ~~district school board~~. A charter lab school is eligible
603 for a charter for a term of up to 15 years. In addition, to
604 facilitate access to long-term financial resources for charter
605 school construction, charter schools that are operated by a
606 private, not-for-profit, s. 501(c)(3) status corporation are
607 eligible for up to a 15-year charter, subject to approval by the
608 sponsor ~~district school board~~. Such long-term charters remain
609 subject to annual review and may be terminated during the term

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610 of the charter, but only according to the provisions set forth
611 in subsection (8).

612 13. The facilities to be used and their location. The
613 sponsor may not require a charter school to have a certificate
614 of occupancy or a temporary certificate of occupancy for such a
615 facility earlier than 15 calendar days before the first day of
616 school.

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

620 15. The governance structure of the school, including the
621 status of the charter school as a public or private employer as
622 required in paragraph (12) (i).

623 16. A timetable for implementing the charter which
624 addresses the implementation of each element thereof and the
625 date by which the charter shall be awarded in order to meet this
626 timetable.

627 17. In the case of an existing public school that is being
628 converted to charter status, alternative arrangements for
629 current students who choose not to attend the charter school and
630 for current teachers who choose not to teach in the charter
631 school after conversion in accordance with the existing
632 collective bargaining agreement or district school board rule in
633 the absence of a collective bargaining agreement. However,
634 alternative arrangements shall not be required for current
635 teachers who choose not to teach in a charter lab school, except
636 as authorized by the employment policies of the state university
637 which grants the charter to the lab school.

638 18. Full disclosure of the identity of all relatives

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639 employed by the charter school who are related to the charter
640 school owner, president, chairperson of the governing board of
641 directors, superintendent, governing board member, principal,
642 assistant principal, or any other person employed by the charter
643 school who has equivalent decisionmaking authority. For the
644 purpose of this subparagraph, the term "relative" means father,
645 mother, son, daughter, brother, sister, uncle, aunt, first
646 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
647 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
648 stepfather, stepmother, stepson, stepdaughter, stepbrother,
649 stepsister, half brother, or half sister.

650 19. Implementation of the activities authorized under s.
651 1002.331 by the charter school when it satisfies the eligibility
652 requirements for a high-performing charter school. A high-
653 performing charter school shall notify its sponsor in writing by
654 March 1 if it intends to increase enrollment or expand grade
655 levels the following school year. The written notice shall
656 specify the amount of the enrollment increase and the grade
657 levels that will be added, as applicable.

658 (d) A charter may be modified during its initial term or
659 any renewal term upon the recommendation of the sponsor or the
660 charter school's governing board and the approval of both
661 parties to the agreement. Modification during any term may
662 include, but is not limited to, consolidation of multiple
663 charters into a single charter if the charters are operated
664 under the same governing board, regardless of the renewal cycle.
665 A charter school that is not subject to a school improvement
666 plan and that closes as part of a consolidation shall be
667 reported by the sponsor ~~school district~~ as a consolidation.

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

669 (c) A charter may be terminated immediately if the sponsor
670 sets forth in writing the particular facts and circumstances
671 demonstrating ~~indicating~~ that an immediate and serious danger to
672 the health, safety, or welfare of the charter school's students
673 exists, that the immediate and serious danger is likely to
674 continue, and that an immediate termination of the charter is
675 necessary. The sponsor's determination is subject to the
676 procedures set forth in paragraph (b), except that the hearing
677 may take place after the charter has been terminated. The
678 sponsor shall notify in writing the charter school's governing
679 board, the charter school principal, and the department of the
680 facts and circumstances supporting the emergency termination ~~if~~
681 ~~a charter is terminated immediately~~. The sponsor shall clearly
682 identify the specific issues that resulted in the immediate
683 termination and provide evidence of prior notification of issues
684 resulting in the immediate termination, if applicable ~~when~~
685 ~~appropriate~~. Upon receiving written notice from the sponsor, the
686 charter school's governing board has 10 calendar days to request
687 a hearing. A requested hearing must be expedited and the final
688 order must be issued within 60 days after the date of request.
689 The sponsor shall assume operation of the charter school
690 throughout the pendency of the hearing under paragraph (b)
691 unless the continued operation of the charter school would
692 materially threaten the health, safety, or welfare of the
693 students. Failure by the sponsor to assume and continue
694 operation of the charter school shall result in the awarding of
695 reasonable costs and attorney's fees to the charter school if
696 the charter school prevails on appeal.

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697 (d) When a charter is not renewed or is terminated, the
698 school shall be dissolved under the provisions of law under
699 which the school was organized, and any unencumbered public
700 funds, except for capital outlay funds and federal charter
701 school program grant funds, from the charter school shall revert
702 to the sponsor. Capital outlay funds provided pursuant to s.
703 1013.62 and federal charter school program grant funds that are
704 unencumbered shall revert to the department to be redistributed
705 among eligible charter schools. In the event a charter school is
706 dissolved or is otherwise terminated, all sponsor ~~district~~
707 ~~school board~~ property and improvements, furnishings, and
708 equipment purchased with public funds shall automatically revert
709 to full ownership by the sponsor ~~district school board~~, subject
710 to complete satisfaction of any lawful liens or encumbrances.
711 Any unencumbered public funds from the charter school, ~~district~~
712 ~~school board~~ property and improvements, furnishings, and
713 equipment purchased with public funds, or financial or other
714 records pertaining to the charter school, in the possession of
715 any person, entity, or holding company, other than the charter
716 school, shall be held in trust upon the sponsor's ~~district~~
717 ~~school board's~~ request, until any appeal status is resolved.

718 (e) If a charter is not renewed or is terminated, the
719 charter school is responsible for all debts of the charter
720 school. The sponsor ~~district~~ may not assume the debt from any
721 contract made between the governing body of the school and a
722 third party, except for a debt that is previously detailed and
723 agreed upon in writing by both the sponsor ~~district~~ and the
724 governing body of the school and that may not reasonably be
725 assumed to have been satisfied by the sponsor ~~district~~.

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726 (9) CHARTER SCHOOL REQUIREMENTS.—

727 (g)1. In order to provide financial information that is
728 comparable to that reported for other public schools, charter
729 schools are to maintain all financial records that constitute
730 their accounting system:

731 a. In accordance with the accounts and codes prescribed in
732 the most recent issuance of the publication titled "Financial
733 and Program Cost Accounting and Reporting for Florida Schools";
734 or

735 b. At the discretion of the charter school's governing
736 board, a charter school may elect to follow generally accepted
737 accounting standards for not-for-profit organizations, but must
738 reformat this information for reporting according to this
739 paragraph.

740 2. Charter schools shall provide annual financial report
741 and program cost report information in the state-required
742 formats for inclusion in sponsor ~~district~~ reporting in
743 compliance with s. 1011.60(1). Charter schools that are operated
744 by a municipality or are a component unit of a parent nonprofit
745 organization may use the accounting system of the municipality
746 or the parent but must reformat this information for reporting
747 according to this paragraph.

748 3. A charter school shall, upon approval of the charter
749 contract, provide the sponsor with a concise, uniform, monthly
750 financial statement summary sheet that contains a balance sheet
751 and a statement of revenue, expenditures, and changes in fund
752 balance. The balance sheet and the statement of revenue,
753 expenditures, and changes in fund balance shall be in the
754 governmental funds format prescribed by the Governmental

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755 Accounting Standards Board. A high-performing charter school
756 pursuant to s. 1002.331 may provide a quarterly financial
757 statement in the same format and requirements as the uniform
758 monthly financial statement summary sheet. The sponsor shall
759 review each monthly or quarterly financial statement to identify
760 the existence of any conditions identified in s. 1002.345(1)(a).

761 4. A charter school shall maintain and provide financial
762 information as required in this paragraph. The financial
763 statement required in subparagraph 3. must be in a form
764 prescribed by the Department of Education.

765 (n)1. The director and a representative of the governing
766 board of a charter school that has earned a grade of "D" or "F"
767 pursuant to s. 1008.34 shall appear before the sponsor to
768 present information concerning each contract component having
769 noted deficiencies. The director and a representative of the
770 governing board shall submit to the sponsor for approval a
771 school improvement plan to raise student performance. Upon
772 approval by the sponsor, the charter school shall begin
773 implementation of the school improvement plan. The department
774 shall offer technical assistance and training to the charter
775 school and its governing board and establish guidelines for
776 developing, submitting, and approving such plans.

777 2.a. If a charter school earns three consecutive grades
778 below a "C," the charter school governing board shall choose one
779 of the following corrective actions:

780 (I) Contract for educational services to be provided
781 directly to students, instructional personnel, and school
782 administrators, as prescribed in state board rule;

783 (II) Contract with an outside entity that has a

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784 demonstrated record of effectiveness to operate the school;

785 (III) Reorganize the school under a new director or
786 principal who is authorized to hire new staff; or

787 (IV) Voluntarily close the charter school.

788 b. The charter school must implement the corrective action
789 in the school year following receipt of a third consecutive
790 grade below a "C."

791 c. The sponsor may annually waive a corrective action if it
792 determines that the charter school is likely to improve a letter
793 grade if additional time is provided to implement the
794 intervention and support strategies prescribed by the school
795 improvement plan. Notwithstanding this sub-subparagraph, a
796 charter school that earns a second consecutive grade of "F" is
797 subject to subparagraph 3.

798 d. A charter school is no longer required to implement a
799 corrective action if it improves to a "C" or higher. However,
800 the charter school must continue to implement strategies
801 identified in the school improvement plan. The sponsor must
802 annually review implementation of the school improvement plan to
803 monitor the school's continued improvement pursuant to
804 subparagraph 4.

805 e. A charter school implementing a corrective action that
806 does not improve to a "C" or higher after 2 full school years of
807 implementing the corrective action must select a different
808 corrective action. Implementation of the new corrective action
809 must begin in the school year following the implementation
810 period of the existing corrective action, unless the sponsor
811 determines that the charter school is likely to improve to a "C"
812 or higher if additional time is provided to implement the

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813 existing corrective action. Notwithstanding this sub-
814 subparagraph, a charter school that earns a second consecutive
815 grade of "F" while implementing a corrective action is subject
816 to subparagraph 3.

817 3. A charter school's charter contract is automatically
818 terminated if the school earns two consecutive grades of "F"
819 after all school grade appeals are final unless:

820 a. The charter school is established to turn around the
821 performance of a district public school pursuant to s.
822 1008.33(4)(b)2. Such charter schools shall be governed by s.
823 1008.33;

824 b. The charter school serves a student population the
825 majority of which resides in a school zone served by a district
826 public school subject to s. 1008.33(4) and the charter school
827 earns at least a grade of "D" in its third year of operation.
828 The exception provided under this sub-subparagraph does not
829 apply to a charter school in its fourth year of operation and
830 thereafter; or

831 c. The state board grants the charter school a waiver of
832 termination. The charter school must request the waiver within
833 15 days after the department's official release of school
834 grades. The state board may waive termination if the charter
835 school demonstrates that the Learning Gains of its students on
836 statewide assessments are comparable to or better than the
837 Learning Gains of similarly situated students enrolled in nearby
838 ~~district~~ public schools. The waiver is valid for 1 year and may
839 only be granted once. Charter schools that have been in
840 operation for more than 5 years are not eligible for a waiver
841 under this sub-subparagraph.

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843 The sponsor shall notify the charter school's governing board,
844 the charter school principal, and the department in writing when
845 a charter contract is terminated under this subparagraph. A
846 charter terminated under this subparagraph must follow the
847 procedures for dissolution and reversion of public funds
848 pursuant to paragraphs (8) (d)-(f) and (9) (o).

849 4. The director and a representative of the governing board
850 of a graded charter school that has implemented a school
851 improvement plan under this paragraph shall appear before the
852 sponsor at least once a year to present information regarding
853 the progress of intervention and support strategies implemented
854 by the school pursuant to the school improvement plan and
855 corrective actions, if applicable. The sponsor shall communicate
856 at the meeting, and in writing to the director, the services
857 provided to the school to help the school address its
858 deficiencies.

859 5. Notwithstanding any provision of this paragraph except
860 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
861 at any time pursuant to subsection (8).

862 (10) ELIGIBLE STUDENTS.—

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

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

866 2. Students considered at risk of dropping out of school or
867 academic failure. Such students shall include exceptional
868 education students.

869 3. Students enrolling in a charter school-in-the-workplace
870 or charter school-in-a-municipality established pursuant to

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871 subsection (15).

872 4. Students residing within a reasonable distance of the
873 charter school, as described in paragraph (20)(c). Such students
874 shall be subject to a random lottery and to the racial/ethnic
875 balance provisions described in subparagraph (7)(a)8. or any
876 federal provisions that require a school to achieve a
877 racial/ethnic balance reflective of the community it serves or
878 within the racial/ethnic range of other nearby public schools ~~in~~
879 ~~the same school district.~~

880 5. Students who meet reasonable academic, artistic, or
881 other eligibility standards established by the charter school
882 and included in the charter school application and charter or,
883 in the case of existing charter schools, standards that are
884 consistent with the school's mission and purpose. Such standards
885 shall be in accordance with current state law and practice in
886 public schools and may not discriminate against otherwise
887 qualified individuals.

888 6. Students articulating from one charter school to another
889 pursuant to an articulation agreement between the charter
890 schools that has been approved by the sponsor.

891 7. Students living in a development in which a developer,
892 including any affiliated business entity or charitable
893 foundation, contributes to the formation, acquisition,
894 construction, or operation of one or more charter schools or
895 charter ~~provides the school facilities facility~~ and related
896 property in an amount equal to or having a total ~~an~~ appraised
897 value of at least \$5 million to be used as a charter schools
898 ~~school~~ to mitigate the educational impact created by the
899 development of new residential dwelling units. Students living

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900 in the development are ~~shall be~~ entitled to no more than 50
901 percent of the student stations in the charter schools ~~school~~.
902 The students who are eligible for enrollment are subject to a
903 random lottery, the racial/ethnic balance provisions, or any
904 federal provisions, as described in subparagraph 4. The
905 remainder of the student stations must ~~shall~~ be filled in
906 accordance with subparagraph 4.

907 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
908 OF THE STATE AND SPONSOR SCHOOL ~~SCHOOL DISTRICT~~; CREDIT OR TAXING POWER
909 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or
910 otherwise secure funds for a charter school authorized in this
911 section from a source other than the state or a sponsor school
912 ~~district~~ shall indemnify the state and the sponsor school
913 ~~district~~ from any and all liability, including, but not limited
914 to, financial responsibility for the payment of the principal or
915 interest. Any loans, bonds, or other financial agreements are
916 not obligations of the state or the sponsor school ~~district~~ but
917 are obligations of the charter school authority and are payable
918 solely from the sources of funds pledged by such agreement. The
919 credit or taxing power of the state or the sponsor ~~may school~~
920 ~~district shall~~ not be pledged and no debts are ~~shall be~~ payable
921 out of any moneys except those of the legal entity in possession
922 of a valid charter approved by a sponsor ~~district school board~~
923 pursuant to this section.

924 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
925 A-MUNICIPALITY.—

926 (c) A charter school-in-a-municipality designation may be
927 granted to a municipality that possesses a charter; enrolls
928 students based upon a random lottery that involves all of the

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929 children of the residents of that municipality who are seeking
930 enrollment, as provided for in subsection (10); and enrolls
931 students according to the racial/ethnic balance provisions
932 described in subparagraph (7)(a)8. When a municipality has
933 submitted charter applications for the establishment of a
934 charter school feeder pattern, consisting of elementary, middle,
935 and senior high schools, and each individual charter application
936 is approved by the sponsor ~~district school board~~, such schools
937 shall then be designated as one charter school for all purposes
938 listed pursuant to this section. Any portion of the land and
939 facility used for a public charter school shall be exempt from
940 ad valorem taxes, as provided for in s. 1013.54, for the
941 duration of its use as a public school.

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

947 (a) Each charter school shall report its student enrollment
948 to the sponsor as required in s. 1011.62, and in accordance with
949 the definitions in s. 1011.61. The sponsor shall include each
950 charter school's enrollment in the sponsor's ~~district's~~ report
951 of student enrollment. All charter schools submitting student
952 record information required by the Department of Education shall
953 comply with the Department of Education's guidelines for
954 electronic data formats for such data, and all sponsors
955 ~~districts~~ shall accept electronic data that complies with the
956 Department of Education's electronic format.

957 (b) 1. The basis for the agreement for funding students

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958 enrolled in a charter school shall be the sum of the school
959 district's operating funds from the Florida Education Finance
960 Program as provided in s. 1011.62 and the General Appropriations
961 Act, including gross state and local funds, discretionary
962 lottery funds, and funds from the school district's current
963 operating discretionary millage levy; divided by total funded
964 weighted full-time equivalent students in the school district;
965 and multiplied by the weighted full-time equivalent students for
966 the charter school. Charter schools whose students or programs
967 meet the eligibility criteria in law are entitled to their
968 proportionate share of categorical program funds included in the
969 total funds available in the Florida Education Finance Program
970 by the Legislature, including transportation, the research-based
971 reading allocation, and the Florida digital classrooms
972 allocation. Total funding for each charter school shall be
973 recalculated during the year to reflect the revised calculations
974 under the Florida Education Finance Program by the state and the
975 actual weighted full-time equivalent students reported by the
976 charter school during the full-time equivalent student survey
977 periods designated by the Commissioner of Education. For charter
978 schools operated by a not-for-profit or municipal entity, any
979 unrestricted current and capital assets identified in the
980 charter school's annual financial audit may be used for other
981 charter schools operated by the not-for-profit or municipal
982 entity within the school district. Unrestricted current assets
983 shall be used in accordance with s. 1011.62, and any
984 unrestricted capital assets shall be used in accordance with s.
985 1013.62(2).

986 2.a. Students enrolled in a charter school sponsored by a

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987 state university or a Florida College System institution
988 pursuant to paragraph (5) (a) must be funded as if they are in a
989 basic program or a special program in the school district. The
990 basis for funding these students is the sum of the total
991 operating funds from the Florida Education Finance Program for
992 the school district in which the school is located as provided
993 in s. 1011.62 and the General Appropriations Act, including
994 gross state and local funds, discretionary lottery funds, and
995 funds from each school district's current operating
996 discretionary millage levy; divided by the total funded weighted
997 full-time equivalent students in the district; and multiplied by
998 the full-time equivalent membership of the charter school. The
999 Department of Education shall develop a tool that each state
1000 university or Florida College System institution that sponsors a
1001 charter school must use for purposes of calculating the funding
1002 amount for each eligible charter school student. The total
1003 amount obtained on the basis of the calculation must be
1004 appropriated to the charter school from state funds in the
1005 General Appropriations Act.

1006 b. Capital outlay funding for a charter school sponsored by
1007 a state university or a Florida College System institution
1008 pursuant to paragraph (5) (a) is determined pursuant to s.
1009 1013.62 and the General Appropriations Act.

1010 (e) Sponsors ~~District school boards~~ shall make timely and
1011 efficient payment and reimbursement to charter schools,
1012 including processing paperwork required to access special state
1013 and federal funding for which they may be eligible. Payments of
1014 funds under paragraph (b) shall be made monthly or twice a
1015 month, beginning with the start of the sponsor's ~~district school~~

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1016 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
1017 twenty-fourth, as applicable, of the total state and local funds
1018 described in paragraph (b) and adjusted as set forth therein.
1019 For the first 2 years of a charter school's operation, if a
1020 minimum of 75 percent of the projected enrollment is entered
1021 into the sponsor's student information system by the first day
1022 of the current month, the sponsor ~~district school board~~ shall
1023 distribute funds to the school for the months of July through
1024 October based on the projected full-time equivalent student
1025 membership of the charter school as submitted in the approved
1026 application. If less than 75 percent of the projected enrollment
1027 is entered into the sponsor's student information system by the
1028 first day of the current month, the sponsor shall base payments
1029 on the actual number of student enrollment entered into the
1030 sponsor's student information system. Thereafter, the results of
1031 full-time equivalent student membership surveys shall be used in
1032 adjusting the amount of funds distributed monthly to the charter
1033 school for the remainder of the fiscal year. The payments shall
1034 be issued no later than 10 working days after the sponsor
1035 ~~district school board~~ receives a distribution of state or
1036 federal funds or the date the payment is due pursuant to this
1037 subsection. If a warrant for payment is not issued within 10
1038 working days after receipt of funding by the sponsor ~~district~~
1039 ~~school board~~, the sponsor ~~school district~~ shall pay to the
1040 charter school, in addition to the amount of the scheduled
1041 disbursement, interest at a rate of 1 percent per month
1042 calculated on a daily basis on the unpaid balance from the
1043 expiration of the 10 working days until such time as the warrant
1044 is issued. The district school board may not delay payment to a

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1045 charter school of any portion of the funds provided in paragraph
1046 (b) based on the timing of receipt of local funds by the
1047 district school board.

1048 (18) FACILITIES.—

1049 (a) A startup charter school shall utilize facilities which
1050 comply with the Florida Building Code pursuant to chapter 553
1051 except for the State Requirements for Educational Facilities.
1052 Conversion charter schools shall utilize facilities that comply
1053 with the State Requirements for Educational Facilities provided
1054 that the school district and the charter school have entered
1055 into a mutual management plan for the reasonable maintenance of
1056 such facilities. The mutual management plan shall contain a
1057 provision by which the district school board agrees to maintain
1058 charter school facilities in the same manner as its other public
1059 schools within the district. Charter schools, with the exception
1060 of conversion charter schools, are not required to comply, but
1061 may choose to comply, with the State Requirements for
1062 Educational Facilities of the Florida Building Code adopted
1063 pursuant to s. 1013.37. The local governing authority shall not
1064 adopt or impose any local building requirements or site-
1065 development restrictions, such as parking and site-size
1066 criteria, student enrollment, and occupant load, that are
1067 addressed by and more stringent than those found in the State
1068 Requirements for Educational Facilities of the Florida Building
1069 Code. A local governing authority must treat charter schools
1070 equitably in comparison to similar requirements, restrictions,
1071 and site planning processes imposed upon public schools that are
1072 not charter schools. Within 14 days after receiving a request
1073 from a charter school, the local governing authority for that

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1074 school shall provide a written justification for any challenged
1075 requirements, restrictions, and site planning processes. The
1076 agency having jurisdiction for inspection of a facility and
1077 issuance of a certificate of occupancy or use shall be the local
1078 municipality or, if in an unincorporated area, the county
1079 governing authority. If an official or employee of the local
1080 governing authority refuses to comply with this paragraph, the
1081 aggrieved school or entity has an immediate right to bring an
1082 action in circuit court to enforce its rights by injunction. If
1083 the court finds that the local governing authority failed to
1084 treat the charter school equitably, the court shall award
1085 attorney fees and court costs to the charter school. An
1086 aggrieved party that receives injunctive relief may be awarded
1087 attorney fees and court costs.

1088 (c) Any facility, or portion thereof, used to house a
1089 charter school whose charter has been approved by the sponsor
1090 and the governing board, pursuant to subsection (7), is shall be
1091 exempt from ad valorem taxes pursuant to s. 196.1983. Libraries,
1092 community organizations, museums, performing arts organizations,
1093 theaters, cinemas, churches and other places of worship, and
1094 Florida College System institutions ~~Library, community service,~~
1095 ~~museum, performing arts, theatre, cinema, church, Florida~~
1096 ~~College System institution, college, and university facilities~~
1097 may provide space to charter schools within their facilities
1098 under their preexisting zoning and land use designations. Local
1099 governing authorities may not impose any additional
1100 requirements, including, without limitation, without obtaining a
1101 special exception, rezoning, or a land use changes, or other
1102 site-specific or use requirements or processes. The educational

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1103 occupant load for the charter school within these facilities
1104 shall be based solely on the criteria set forth in the Florida
1105 Building Code and the Florida Fire Prevention Code. No other
1106 restrictions on the number of students in the facility apply
1107 change.

1108 (e) If a district school board facility or property is
1109 available because it is surplus, marked for disposal, or
1110 otherwise unused, it shall be provided for a charter school's
1111 use on the same basis as it is made available to other public
1112 schools in the district. A charter school receiving property
1113 from the sponsor ~~school district~~ may not sell or dispose of such
1114 property without written permission of the sponsor ~~school~~
1115 ~~district~~. Similarly, for an existing public school converting to
1116 charter status, no rental or leasing fee for the existing
1117 facility or for the property normally inventoried to the
1118 conversion school may be charged by the district school board to
1119 the parents and teachers organizing the charter school. The
1120 charter school shall agree to reasonable maintenance provisions
1121 in order to maintain the facility in a manner similar to
1122 district school board standards. The Public Education Capital
1123 Outlay maintenance funds or any other maintenance funds
1124 generated by the facility operated as a conversion school shall
1125 remain with the conversion school. A school district may enter
1126 into an agreement to plan, design, and construct a charter
1127 school and may serve as one or more of the following with regard
1128 to the property and building:

- 1129 1. The financial agent.
- 1130 2. The lienholder.
- 1131 3. The lessor.

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1132 (20) SERVICES.—

1133 (a)1. A sponsor shall provide certain administrative and
1134 educational services to charter schools. These services shall
1135 include contract management services; full-time equivalent and
1136 data reporting services; exceptional student education
1137 administration services; services related to eligibility and
1138 reporting duties required to ensure that school lunch services
1139 under the National School Lunch Program, consistent with the
1140 needs of the charter school, are provided by the sponsor ~~school~~
1141 ~~district~~ at the request of the charter school, that any funds
1142 due to the charter school under the National School Lunch
1143 Program be paid to the charter school as soon as the charter
1144 school begins serving food under the National School Lunch
1145 Program, and that the charter school is paid at the same time
1146 and in the same manner under the National School Lunch Program
1147 as other public schools serviced by the sponsor or the school
1148 district; test administration services, including payment of the
1149 costs of state-required or district-required student
1150 assessments; processing of teacher certificate data services;
1151 and information services, including equal access to the
1152 sponsor's student information systems that are used by public
1153 schools in the district in which the charter school is located
1154 or, if the sponsor is not a school district, by schools in the
1155 sponsor's portfolio of charter schools. Student performance data
1156 for each student in a charter school, including, but not limited
1157 to, FCAT scores, standardized test scores, previous public
1158 school student report cards, and student performance measures,
1159 shall be provided by the sponsor to a charter school in the same
1160 manner provided to other public schools in the district or, if

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1161 the sponsor is not a school district, by schools in the
1162 sponsor's portfolio of charter schools.

1163 2. A sponsor may withhold an administrative fee for the
1164 provision of such services which shall be a percentage of the
1165 available funds defined in paragraph (17)(b) calculated based on
1166 weighted full-time equivalent students. If the charter school
1167 serves 75 percent or more exceptional education students as
1168 defined in s. 1003.01(3), the percentage shall be calculated
1169 based on unweighted full-time equivalent students. The
1170 administrative fee shall be calculated as follows:

1171 a. Up to 5 percent for:

1172 (I) Enrollment of up to and including 250 students in a
1173 charter school as defined in this section.

1174 (II) Enrollment of up to and including 500 students within
1175 a charter school system which meets all of the following:

1176 (A) Includes conversion charter schools and nonconversion
1177 charter schools.

1178 (B) Has all of its schools located in the same county.

1179 (C) Has a total enrollment exceeding the total enrollment
1180 of at least one school district in the state.

1181 (D) Has the same governing board for all of its schools.

1182 (E) Does not contract with a for-profit service provider
1183 for management of school operations.

1184 (III) Enrollment of up to and including 250 students in a
1185 virtual charter school.

1186 b. Up to 2 percent for enrollment of up to and including
1187 250 students in a high-performing charter school as defined in
1188 s. 1002.331.

1189 3. A sponsor may not charge charter schools any additional

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1190 fees or surcharges for administrative and educational services
1191 in addition to the maximum percentage of administrative fees
1192 withheld pursuant to this paragraph.

1193 4. A sponsor shall provide to the department by September
1194 15 of each year the total amount of funding withheld from
1195 charter schools pursuant to this subsection for the prior fiscal
1196 year. The department must include the information in the report
1197 required under sub-sub-subparagraph (5) (b)1.k.(III).

1198 (b) If goods and services are made available to the charter
1199 school through the contract with the sponsor ~~school district~~,
1200 they shall be provided to the charter school at a rate no
1201 greater than the sponsor's ~~district's~~ actual cost unless
1202 mutually agreed upon by the charter school and the sponsor in a
1203 contract negotiated separately from the charter. When mediation
1204 has failed to resolve disputes over contracted services or
1205 contractual matters not included in the charter, an appeal may
1206 be made to an administrative law judge appointed by the Division
1207 of Administrative Hearings. The administrative law judge has
1208 final order authority to rule on the dispute. The administrative
1209 law judge shall award the prevailing party reasonable attorney
1210 fees and costs incurred during the mediation process,
1211 administrative proceeding, and any appeals, to be paid by the
1212 party whom the administrative law judge rules against. To
1213 maximize the use of state funds, sponsors ~~school districts~~ shall
1214 allow charter schools to participate in the sponsor's bulk
1215 purchasing program if applicable.

1216 (c) Transportation of charter school students shall be
1217 provided by the charter school consistent with the requirements
1218 of subpart I.E. of chapter 1006 and s. 1012.45. The governing

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1219 body of the charter school may provide transportation through an
1220 agreement or contract with the sponsor ~~district school board~~, a
1221 private provider, or parents. The charter school and the sponsor
1222 shall cooperate in making arrangements that ensure that
1223 transportation is not a barrier to equal access for all students
1224 residing within a reasonable distance of the charter school as
1225 determined in its charter.

1226 (d) Each charter school shall annually complete and submit
1227 a survey, provided in a format specified by the Department of
1228 Education, to rate the timeliness and quality of services
1229 provided by the sponsor ~~district~~ in accordance with this
1230 section. The department shall compile the results, by sponsor
1231 ~~district~~, and include the results in the report required under
1232 sub-sub-subparagraph (5) (b)1.k.(III).

1233 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1234 (a) The Department of Education shall provide information
1235 to the public, directly and through sponsors, on how to form and
1236 operate a charter school and how to enroll in a charter school
1237 once it is created. This information shall include the standard
1238 application form, standard charter contract, standard evaluation
1239 instrument, and standard charter renewal contract, which shall
1240 include the information specified in subsection (7) and shall be
1241 developed by consulting and negotiating with both sponsors
1242 ~~school districts~~ and charter schools before implementation. The
1243 charter and charter renewal contracts shall be used by charter
1244 school sponsors.

1245 (b)1. The Department of Education shall report to each
1246 charter school receiving a school grade pursuant to s. 1008.34
1247 or a school improvement rating pursuant to s. 1008.341 the

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1248 school's student assessment data.

1249 2. The charter school shall report the information in
1250 subparagraph 1. to each parent of a student at the charter
1251 school, the parent of a child on a waiting list for the charter
1252 school, the sponsor ~~district in which the charter school is~~
1253 ~~located~~, and the governing board of the charter school. This
1254 paragraph does not abrogate the provisions of s. 1002.22,
1255 relating to student records, or the requirements of 20 U.S.C. s.
1256 1232g, the Family Educational Rights and Privacy Act.

1257 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
1258 SCHOOL SYSTEMS.—

1259 (a) A charter school system's governing board shall be
1260 designated a local educational agency for the purpose of
1261 receiving federal funds, the same as though the charter school
1262 system were a school district, if the governing board of the
1263 charter school system has adopted and filed a resolution with
1264 its sponsor ~~sponsoring district school board~~ and the Department
1265 of Education in which the governing board of the charter school
1266 system accepts the full responsibility for all local education
1267 agency requirements and the charter school system meets all of
1268 the following:

- 1269 1. Has all schools located in the same county;
- 1270 2. Has a total enrollment exceeding the total enrollment of
1271 at least one school district in the state; and
- 1272 3. Has the same governing board.

1273
1274 Such designation does not apply to other provisions unless
1275 specifically provided in law.

1276 (28) RULEMAKING.—The Department of Education, after

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1277 consultation with sponsors ~~school districts~~ and charter school
1278 directors, shall recommend that the State Board of Education
1279 adopt rules to implement specific subsections of this section.
1280 Such rules shall require minimum paperwork and shall not limit
1281 charter school flexibility authorized by statute. The State
1282 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1283 and 120.54, to implement a standard charter application form,
1284 standard application form for the replication of charter schools
1285 in a high-performing charter school system, standard evaluation
1286 instrument, and standard charter and charter renewal contracts
1287 in accordance with this section.

1288 Section 3. Paragraph (d) of subsection (7) and paragraph
1289 (b) of subsection (10) of section 1002.333, Florida Statutes,
1290 are amended to read:

1291 1002.333 Persistently low-performing schools.—

1292 (7) FACILITIES.—

1293 (d) No later than January ~~October~~ 1 of each year, the
1294 department ~~each school district~~ shall annually provide to school
1295 districts ~~the Department of Education~~ a list of all underused,
1296 vacant, or surplus facilities owned or operated by the school
1297 district, as reported in the Florida Inventory of School Houses.
1298 A school district may provide evidence to the department within
1299 30 days after the list is provided that it contains errors or
1300 omissions. No later than April 1 of each year, the department
1301 shall update and publish a final list of all underused, vacant,
1302 or surplus facilities owned or operated by each school district,
1303 based upon the updated information provided by each school
1304 district. A hope operator establishing a school of hope may use
1305 an educational facility identified in this paragraph at no cost

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1306 or at a mutually agreeable cost not to exceed \$600 per student.
1307 A hope operator using a facility pursuant to this paragraph may
1308 not sell or dispose of such facility without the written
1309 permission of the school district. For purposes of this
1310 paragraph, the term "underused, vacant, or surplus facility"
1311 means an entire facility or portion thereof which is not fully
1312 used or is used irregularly or intermittently by the school
1313 district for instructional or program use.

1314 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1315 is created within the Department of Education.

1316 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
1317 funds allocated for the purpose of this subsection which are not
1318 disbursed by June 30 of the fiscal year in which the funds are
1319 allocated may be carried forward for up to 7 ~~5~~ years after the
1320 effective date of the original appropriation.

1321 Section 4. Paragraph (a) of subsection (1) of section
1322 1003.493, Florida Statutes, is amended to read:

1323 1003.493 Career and professional academies and career-
1324 themed courses.—

1325 (1) (a) A "career and professional academy" is a research-
1326 based program that integrates a rigorous academic curriculum
1327 with an industry-specific curriculum aligned directly to
1328 priority workforce needs established by the local workforce
1329 development board or the Department of Economic Opportunity.
1330 Career and professional academies must ~~shall~~ be offered by
1331 public schools and school districts and may be offered by
1332 charter schools. The Florida Virtual School is encouraged to
1333 develop and offer rigorous career and professional courses as
1334 appropriate. Students completing career and professional academy

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1335 programs must receive a standard high school diploma, the
1336 highest available industry certification, and opportunities to
1337 earn postsecondary credit if the academy partners with a
1338 postsecondary institution approved to operate in the state.

1339 Section 5. Section 1013.385, Florida Statutes, is amended
1340 to read:

1341 1013.385 School district construction flexibility.-

1342 ~~(1) Upon a majority vote at a public meeting that begins no~~
1343 ~~earlier than 5 p.m., a district school board may, with a~~
1344 ~~majority vote at a public meeting that begins no earlier than 5~~
1345 ~~p.m., adopt a resolution to implement exceptions to s. 453 of~~
1346 ~~the Florida Building Code which one or more of the exceptions to~~
1347 ~~the educational facilities construction requirements provided in~~
1348 ~~this section.~~

1349 ~~(2) A resolution adopted under this section may propose~~
1350 ~~implementation of exceptions to requirements of the uniform~~
1351 ~~statewide building code for the planning and construction of~~
1352 ~~public educational and ancillary plants adopted pursuant to ss.~~
1353 ~~553.73 and 1013.37 relating to:~~

1354 ~~(a) Interior non-load-bearing walls, by approving the use~~
1355 ~~of fire-rated wood stud walls in new construction or remodeling~~
1356 ~~for interior non-load-bearing wall assemblies that will not be~~
1357 ~~exposed to water or located in wet areas.~~

1358 ~~(b) Walkways, roadways, driveways, and parking areas, by~~
1359 ~~approving the use of designated, stabilized, and well-drained~~
1360 ~~gravel or grassed student parking areas.~~

1361 ~~(c) Standards for relocatables used as classroom space, as~~
1362 ~~specified in s. 1013.20, by approving construction~~
1363 ~~specifications for installation of relocatable buildings that do~~

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1364 ~~not have covered walkways leading to the permanent buildings~~
1365 ~~onsite.~~

1366 ~~(d) Site lighting, by approving construction specifications~~
1367 ~~regarding site lighting that:~~

1368 ~~1. Do not provide for lighting of gravel or grassed~~
1369 ~~auxiliary or student parking areas.~~

1370 ~~2. Provide lighting for walkways, roadways, driveways,~~
1371 ~~paved parking lots, exterior stairs, ramps, and walkways from~~
1372 ~~the exterior of the building to a public walkway through~~
1373 ~~installation of a timer that is set to provide lighting only~~
1374 ~~during periods when the site is occupied.~~

1375 ~~3. Allow lighting for building entrances and exits to be~~
1376 ~~installed with a timer that is set to provide lighting only~~
1377 ~~during periods in which the building is occupied. The minimum~~
1378 ~~illumination level at single-door exits may be reduced to no~~
1379 ~~less than 1 foot-candle.~~

1380 ~~(e) Any other provisions that limit the ability of a school~~
1381 ~~district to design and construct a facility in the same manner~~
1382 ~~as a charter school, or to operate in a facility on the same~~
1383 ~~basis as a charter school pursuant to s. 1002.33(18),~~ so long as
1384 the regional planning council determines that there is
1385 sufficient shelter capacity within the school district as
1386 documented in the Statewide Emergency Shelter Plan.

1387 Section 6. For the purpose of incorporating the amendment
1388 made by this act to section 1002.33, Florida Statutes, in a
1389 reference thereto, paragraph (c) of subsection (2) of section
1390 11.40, Florida Statutes, is reenacted to read:

1391 11.40 Legislative Auditing Committee.—

1392 (2) Following notification by the Auditor General, the

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1393 Department of Financial Services, the Division of Bond Finance
1394 of the State Board of Administration, the Governor or his or her
1395 designee, or the Commissioner of Education or his or her
1396 designee of the failure of a local governmental entity, district
1397 school board, charter school, or charter technical career center
1398 to comply with the applicable provisions within s. 11.45(5)-(7),
1399 s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative
1400 Auditing Committee may schedule a hearing to determine if the
1401 entity should be subject to further state action. If the
1402 committee determines that the entity should be subject to
1403 further state action, the committee shall:

1404 (c) In the case of a charter school or charter technical
1405 career center, notify the appropriate sponsoring entity, which
1406 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

1407 Section 7. For the purpose of incorporating the amendment
1408 made by this act to section 1002.33, Florida Statutes, in a
1409 reference thereto, paragraph (h) of subsection (6) of section
1410 163.3180, Florida Statutes, is reenacted to read:

1411 163.3180 Concurrency.—

1412 (6)

1413 (h)1. In order to limit the liability of local governments,
1414 a local government may allow a landowner to proceed with
1415 development of a specific parcel of land notwithstanding a
1416 failure of the development to satisfy school concurrency, if all
1417 the following factors are shown to exist:

1418 a. The proposed development would be consistent with the
1419 future land use designation for the specific property and with
1420 pertinent portions of the adopted local plan, as determined by
1421 the local government.

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1422 b. The local government's capital improvements element and
1423 the school board's educational facilities plan provide for
1424 school facilities adequate to serve the proposed development,
1425 and the local government or school board has not implemented
1426 that element or the project includes a plan that demonstrates
1427 that the capital facilities needed as a result of the project
1428 can be reasonably provided.

1429 c. The local government and school board have provided a
1430 means by which the landowner will be assessed a proportionate
1431 share of the cost of providing the school facilities necessary
1432 to serve the proposed development.

1433 2. If a local government applies school concurrency, it may
1434 not deny an application for site plan, final subdivision
1435 approval, or the functional equivalent for a development or
1436 phase of a development authorizing residential development for
1437 failure to achieve and maintain the level-of-service standard
1438 for public school capacity in a local school concurrency
1439 management system where adequate school facilities will be in
1440 place or under actual construction within 3 years after the
1441 issuance of final subdivision or site plan approval, or the
1442 functional equivalent. School concurrency is satisfied if the
1443 developer executes a legally binding commitment to provide
1444 mitigation proportionate to the demand for public school
1445 facilities to be created by actual development of the property,
1446 including, but not limited to, the options described in sub-
1447 subparagraph a. Options for proportionate-share mitigation of
1448 impacts on public school facilities must be established in the
1449 comprehensive plan and the interlocal agreement pursuant to s.
1450 163.31777.

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1451 a. Appropriate mitigation options include the contribution
1452 of land; the construction, expansion, or payment for land
1453 acquisition or construction of a public school facility; the
1454 construction of a charter school that complies with the
1455 requirements of s. 1002.33(18); or the creation of mitigation
1456 banking based on the construction of a public school facility in
1457 exchange for the right to sell capacity credits. Such options
1458 must include execution by the applicant and the local government
1459 of a development agreement that constitutes a legally binding
1460 commitment to pay proportionate-share mitigation for the
1461 additional residential units approved by the local government in
1462 a development order and actually developed on the property,
1463 taking into account residential density allowed on the property
1464 prior to the plan amendment that increased the overall
1465 residential density. The district school board must be a party
1466 to such an agreement. As a condition of its entry into such a
1467 development agreement, the local government may require the
1468 landowner to agree to continuing renewal of the agreement upon
1469 its expiration.

1470 b. If the interlocal agreement and the local government
1471 comprehensive plan authorize a contribution of land; the
1472 construction, expansion, or payment for land acquisition; the
1473 construction or expansion of a public school facility, or a
1474 portion thereof; or the construction of a charter school that
1475 complies with the requirements of s. 1002.33(18), as
1476 proportionate-share mitigation, the local government shall
1477 credit such a contribution, construction, expansion, or payment
1478 toward any other impact fee or exaction imposed by local
1479 ordinance for public educational facilities, on a dollar-for-

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1480 dollar basis at fair market value. The credit must be based on
1481 the total impact fee assessed and not on the impact fee for any
1482 particular type of school.

1483 c. Any proportionate-share mitigation must be directed by
1484 the school board toward a school capacity improvement identified
1485 in the 5-year school board educational facilities plan that
1486 satisfies the demands created by the development in accordance
1487 with a binding developer's agreement.

1488 3. This paragraph does not limit the authority of a local
1489 government to deny a development permit or its functional
1490 equivalent pursuant to its home rule regulatory powers, except
1491 as provided in this part.

1492 Section 8. For the purpose of incorporating the amendment
1493 made by this act to section 1002.33, Florida Statutes, in a
1494 reference thereto, section 196.1983, Florida Statutes, is
1495 reenacted to read:

1496 196.1983 Charter school exemption from ad valorem taxes.—
1497 Any facility, or portion thereof, used to house a charter school
1498 whose charter has been approved by the sponsor and the governing
1499 board pursuant to s. 1002.33(7) shall be exempt from ad valorem
1500 taxes. For leasehold properties, the landlord must certify by
1501 affidavit to the charter school that the required payments under
1502 the lease, whether paid to the landlord or on behalf of the
1503 landlord to a third party, will be reduced to the extent of the
1504 exemption received. The owner of the property shall disclose to
1505 a charter school the full amount of the benefit derived from the
1506 exemption and the method for ensuring that the charter school
1507 receives such benefit. The charter school shall receive the full
1508 benefit derived from the exemption.

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1509 Section 9. For the purpose of incorporating the amendment
1510 made by this act to section 1002.33, Florida Statutes, in a
1511 reference thereto, paragraph (e) of subsection (1) of section
1512 218.39, Florida Statutes, is reenacted to read:

1513 218.39 Annual financial audit reports.—

1514 (1) If, by the first day in any fiscal year, a local
1515 governmental entity, district school board, charter school, or
1516 charter technical career center has not been notified that a
1517 financial audit for that fiscal year will be performed by the
1518 Auditor General, each of the following entities shall have an
1519 annual financial audit of its accounts and records completed
1520 within 9 months after the end of its fiscal year by an
1521 independent certified public accountant retained by it and paid
1522 from its public funds:

1523 (e) Each charter school established under s. 1002.33.

1524 Section 10. For the purpose of incorporating the amendment
1525 made by this act to section 1002.33, Florida Statutes, in a
1526 reference thereto, paragraph (a) of subsection (4) of section
1527 381.0056, Florida Statutes, is reenacted to read:

1528 381.0056 School health services program.—

1529 (4) (a) Each county health department shall develop, jointly
1530 with the district school board and the local school health
1531 advisory committee, a school health services plan. The plan must
1532 include, at a minimum, provisions for all of the following:

- 1533 1. Health appraisal;
- 1534 2. Records review;
- 1535 3. Nurse assessment;
- 1536 4. Nutrition assessment;
- 1537 5. A preventive dental program;

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- 1538 6. Vision screening;
- 1539 7. Hearing screening;
- 1540 8. Scoliosis screening;
- 1541 9. Growth and development screening;
- 1542 10. Health counseling;
- 1543 11. Referral and followup of suspected or confirmed health
1544 problems by the local county health department;
- 1545 12. Meeting emergency health needs in each school;
- 1546 13. County health department personnel to assist school
1547 personnel in health education curriculum development;
- 1548 14. Referral of students to appropriate health treatment,
1549 in cooperation with the private health community whenever
1550 possible;
- 1551 15. Consultation with a student's parent or guardian
1552 regarding the need for health attention by the family physician,
1553 dentist, or other specialist when definitive diagnosis or
1554 treatment is indicated;
- 1555 16. Maintenance of records on incidents of health problems,
1556 corrective measures taken, and such other information as may be
1557 needed to plan and evaluate health programs; except, however,
1558 that provisions in the plan for maintenance of health records of
1559 individual students must be in accordance with s. 1002.22;
- 1560 17. Health information which will be provided by the school
1561 health nurses, when necessary, regarding the placement of
1562 students in exceptional student programs and the reevaluation at
1563 periodic intervals of students placed in such programs;
- 1564 18. Notification to the local nonpublic schools of the
1565 school health services program and the opportunity for
1566 representatives of the local nonpublic schools to participate in

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1567 the development of the cooperative health services plan; and

1568 19. Immediate notification to a student's parent, guardian,
1569 or caregiver if the student is removed from school, school
1570 transportation, or a school-sponsored activity and taken to a
1571 receiving facility for an involuntary examination pursuant to s.
1572 394.463, including the requirements established under ss.
1573 1002.20(3) and 1002.33(9), as applicable.

1574 Section 11. For the purpose of incorporating the amendment
1575 made by this act to section 1002.33, Florida Statutes, in a
1576 reference thereto, paragraph (b) of subsection (1) of section
1577 409.1664, Florida Statutes, is reenacted to read:

1578 409.1664 Adoption benefits for qualifying adoptive
1579 employees of state agencies.—

1580 (1) As used in this section, the term:

1581 (b) "Qualifying adoptive employee" means a full-time or
1582 part-time employee of a state agency, a charter school
1583 established under s. 1002.33, or the Florida Virtual School
1584 established under s. 1002.37 who is paid from regular salary
1585 appropriations, or otherwise meets his or her employer's
1586 definition of a regular rather than temporary employee, and who
1587 adopts a child within the child welfare system pursuant to
1588 chapter 63 on or after July 1, 2015. The term includes
1589 instructional personnel, as defined in s. 1012.01, who are
1590 employed by the Florida School for the Deaf and the Blind.

1591 Section 12. For the purpose of incorporating the amendment
1592 made by this act to section 1002.33, Florida Statutes, in a
1593 reference thereto, subsection (1) of section 409.9072, Florida
1594 Statutes, is reenacted to read:

1595 409.9072 Medicaid provider agreements for charter schools

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1596 and private schools.—

1597 (1) Subject to a specific appropriation by the Legislature,
1598 the agency shall reimburse private schools as defined in s.
1599 1002.01 and schools designated as charter schools under s.
1600 1002.33 which are Medicaid providers for school-based services
1601 pursuant to the rehabilitative services option provided under 42
1602 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age
1603 with specified disabilities who are eligible for both Medicaid
1604 and part B or part H of the Individuals with Disabilities
1605 Education Act (IDEA) or the exceptional student education
1606 program, or who have an individualized educational plan.

1607 Section 13. For the purpose of incorporating the amendment
1608 made by this act to section 1002.33, Florida Statutes, in a
1609 reference thereto, subsection (7) of section 944.801, Florida
1610 Statutes, is reenacted to read:

1611 944.801 Education for state prisoners.—

1612 (7) The department may contract with a district school
1613 board, the Florida Virtual School, or a charter school
1614 authorized to operate under s. 1002.33 to provide education
1615 services in the Correctional Education Program. The education
1616 services may include any educational, career, or vocational
1617 training that is authorized by the department.

1618 Section 14. For the purpose of incorporating the amendment
1619 made by this act to section 1002.33, Florida Statutes, in a
1620 reference thereto, subsection (1) of section 951.176, Florida
1621 Statutes, is reenacted to read:

1622 951.176 Provision of education.—

1623 (1) Each county may contract with a district school board,
1624 the Florida Virtual School, or a charter school authorized to

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1625 operate under s. 1002.33 to provide education services for
1626 inmates at county detention facilities. The education services
1627 may include any educational, career, or vocational training that
1628 is authorized by the sheriff or chief correctional officer, or
1629 his or her designee.

1630 Section 15. For the purpose of incorporating the amendment
1631 made by this act to section 1002.33, Florida Statutes, in a
1632 reference thereto, paragraph (d) of subsection (3) of section
1633 1006.15, Florida Statutes, is reenacted to read:

1634 1006.15 Student standards for participation in
1635 interscholastic and intrascholastic extracurricular student
1636 activities; regulation.—

1637 (3)

1638 (d) An individual charter school student pursuant to s.
1639 1002.33 is eligible to participate at the public school to which
1640 the student would be assigned according to district school board
1641 attendance area policies or which the student could attend in
1642 any interscholastic extracurricular activity of that school,
1643 unless such activity is provided by the student's charter
1644 school, if the following conditions are met:

1645 1. The charter school student must meet the requirements of
1646 the charter school education program as determined by the
1647 charter school governing board.

1648 2. During the period of participation at a school, the
1649 charter school student must demonstrate educational progress as
1650 required in paragraph (b).

1651 3. The charter school student must meet the same residency
1652 requirements as other students in the school at which he or she
1653 participates.

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1654 4. The charter school student must meet the same standards
1655 of acceptance, behavior, and performance that are required of
1656 other students in extracurricular activities.

1657 5. The charter school student must register with the school
1658 his or her intent to participate in interscholastic
1659 extracurricular activities as a representative of the school
1660 before participation. A charter school student must be able to
1661 participate in curricular activities if that is a requirement
1662 for an extracurricular activity.

1663 6. A student who transfers from a charter school program to
1664 a traditional public school before or during the first grading
1665 period of the school year is academically eligible to
1666 participate in interscholastic extracurricular activities during
1667 the first grading period if the student has a successful
1668 evaluation from the previous school year, pursuant to
1669 subparagraph 2.

1670 7. Any public school or private school student who has been
1671 unable to maintain academic eligibility for participation in
1672 interscholastic extracurricular activities is ineligible to
1673 participate in such activities as a charter school student until
1674 the student has successfully completed one grading period in a
1675 charter school pursuant to subparagraph 2. to become eligible to
1676 participate as a charter school student.

1677 Section 16. For the purpose of incorporating the amendment
1678 made by this act to section 1002.33, Florida Statutes, in a
1679 reference thereto, paragraph (c) of subsection (3) of section
1680 1008.33, Florida Statutes, is reenacted to read:

1681 1008.33 Authority to enforce public school improvement.—

1682 (3)

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1683 (c) The state board shall adopt by rule a differentiated
1684 matrix of intervention and support strategies for assisting
1685 traditional public schools identified under this section and
1686 rules for implementing s. 1002.33(9)(n), relating to charter
1687 schools. The intervention and support strategies must address
1688 student performance and may include improvement planning;
1689 leadership quality improvement; educator quality improvement;
1690 professional development; curriculum review, pacing, and
1691 alignment across grade levels to improve background knowledge in
1692 social studies, science, and the arts; and the use of continuous
1693 improvement and monitoring plans and processes. In addition, the
1694 state board may prescribe reporting requirements to review and
1695 monitor the progress of the schools. The rule must define the
1696 intervention and support strategies for school improvement for
1697 schools earning a grade of "D" or "F" and the roles for the
1698 district and department.

1699 Section 17. For the purpose of incorporating the amendment
1700 made by this act to section 1002.33, Florida Statutes, in a
1701 reference thereto, paragraph (c) of subsection (1) of section
1702 1011.61, Florida Statutes, is reenacted to read:

1703 1011.61 Definitions.—Notwithstanding the provisions of s.
1704 1000.21, the following terms are defined as follows for the
1705 purposes of the Florida Education Finance Program:

1706 (1) A "full-time equivalent student" in each program of the
1707 district is defined in terms of full-time students and part-time
1708 students as follows:

1709 (c)1. A "full-time equivalent student" is:

1710 a. A full-time student in any one of the programs listed in
1711 s. 1011.62(1)(c); or

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1712 b. A combination of full-time or part-time students in any
1713 one of the programs listed in s. 1011.62(1)(c) which is the
1714 equivalent of one full-time student based on the following
1715 calculations:

1716 (I) A full-time student in a combination of programs listed
1717 in s. 1011.62(1)(c) shall be a fraction of a full-time
1718 equivalent membership in each special program equal to the
1719 number of net hours per school year for which he or she is a
1720 member, divided by the appropriate number of hours set forth in
1721 subparagraph (a)1. The difference between that fraction or sum
1722 of fractions and the maximum value as set forth in subsection
1723 (4) for each full-time student is presumed to be the balance of
1724 the student's time not spent in a special program and shall be
1725 recorded as time in the appropriate basic program.

1726 (II) A prekindergarten student with a disability shall meet
1727 the requirements specified for kindergarten students.

1728 (III) A full-time equivalent student for students in
1729 kindergarten through grade 12 in a full-time virtual instruction
1730 program under s. 1002.45 or a virtual charter school under s.
1731 1002.33 shall consist of six full-credit completions or the
1732 prescribed level of content that counts toward promotion to the
1733 next grade in programs listed in s. 1011.62(1)(c). Credit
1734 completions may be a combination of full-credit courses or half-
1735 credit courses.

1736 (IV) A full-time equivalent student for students in
1737 kindergarten through grade 12 in a part-time virtual instruction
1738 program under s. 1002.45 shall consist of six full-credit
1739 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1740 Credit completions may be a combination of full-credit courses

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1741 or half-credit courses.

1742 (V) A Florida Virtual School full-time equivalent student
1743 shall consist of six full-credit completions or the prescribed
1744 level of content that counts toward promotion to the next grade
1745 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1746 participating in kindergarten through grade 12 part-time virtual
1747 instruction and the programs listed in s. 1011.62(1)(c) for
1748 students participating in kindergarten through grade 12 full-
1749 time virtual instruction. Credit completions may be a
1750 combination of full-credit courses or half-credit courses.

1751 (VI) Each successfully completed full-credit course earned
1752 through an online course delivered by a district other than the
1753 one in which the student resides shall be calculated as 1/6 FTE.

1754 (VII) A full-time equivalent student for courses requiring
1755 passage of a statewide, standardized end-of-course assessment
1756 under s. 1003.4282 to earn a standard high school diploma shall
1757 be defined and reported based on the number of instructional
1758 hours as provided in this subsection.

1759 (VIII) For students enrolled in a school district as a
1760 full-time student, the district may report 1/6 FTE for each
1761 student who passes a statewide, standardized end-of-course
1762 assessment without being enrolled in the corresponding course.

1763 2. A student in membership in a program scheduled for more
1764 or less than 180 school days or the equivalent on an hourly
1765 basis as specified by rules of the State Board of Education is a
1766 fraction of a full-time equivalent membership equal to the
1767 number of instructional hours in membership divided by the
1768 appropriate number of hours set forth in subparagraph (a)1.;
1769 however, for the purposes of this subparagraph, membership in

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1770 programs scheduled for more than 180 days is limited to students
1771 enrolled in:

1772 a. Juvenile justice education programs.

1773 b. The Florida Virtual School.

1774 c. Virtual instruction programs and virtual charter schools
1775 for the purpose of course completion and credit recovery
1776 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1777 only to a student who is reported during the second or third
1778 membership surveys and who does not complete a virtual education
1779 course by the end of the regular school year. The course must be
1780 completed no later than the deadline for amending the final
1781 student enrollment survey for that year. Credit recovery applies
1782 only to a student who has unsuccessfully completed a traditional
1783 or virtual education course during the regular school year and
1784 must retake the course in order to be eligible to graduate with
1785 the student's class.

1786

1787 The full-time equivalent student enrollment calculated under
1788 this subsection is subject to the requirements in subsection
1789 (4).

1790

1791 The department shall determine and implement an equitable method
1792 of equivalent funding for schools operating under emergency
1793 conditions, which schools have been approved by the department
1794 to operate for less than the minimum term as provided in s.
1795 1011.60(2).

1796 Section 18. This act shall take effect July 1, 2020.