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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Education (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) and paragraph (a) of subsection (9) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall



444320

11 provide sequential instruction and shall be affiliated with the  
12 college of education within the state university of closest  
13 geographic proximity. A lab school to which a charter has been  
14 issued under s. 1002.33(5)(a) 2. must be affiliated with the  
15 college of education within the state university that issued the  
16 charter, but is not subject to the requirement that the state  
17 university be of closest geographic proximity. For the purpose  
18 of state funding, Florida Agricultural and Mechanical  
19 University, Florida Atlantic University, Florida State  
20 University, the University of Florida, and other universities  
21 approved by the State Board of Education and the Legislature are  
22 authorized to sponsor a lab school. The limitation of one lab  
23 school per university shall not apply to the following charter  
24 lab schools authorized prior to June 1, 2003: Florida State  
25 University Charter Lab K-12 School in Broward County, Florida  
26 Atlantic University Charter Lab 9-12 High School in Palm Beach  
27 County, and Florida Atlantic University Charter Lab K-12 School  
28 in St. Lucie County. The limitation of one lab school per  
29 university does not apply to a university that establishes a lab  
30 school to serve families of a military installation that is  
31 within the same county as a branch campus that offers programs  
32 from the university's college of education.

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

35 (a) Each lab school shall be allocated its proportional  
36 share of operating funds from the Florida Education Finance  
37 Program as provided in s. 1011.62 based on the county in which  
38 the lab school is located and the General Appropriations Act.  
39 The nonvoted ad valorem millage that would otherwise be required



444320

40 for lab schools shall be allocated from state funds. The  
41 required local effort funds calculated pursuant to s. 1011.62  
42 shall be allocated from state funds to the schools as a part of  
43 the allocation of operating funds pursuant to s. 1011.62. Each  
44 eligible lab school ~~in operation as of September 1, 2013,~~ with a  
45 permanent high school center shall also receive a proportional  
46 share of the sparsity supplement as calculated pursuant to s.  
47 1011.62. In addition, each lab school shall receive its  
48 proportional share of all categorical funds, with the exception  
49 of s. 1011.68, and new categorical funds enacted after July 1,  
50 1994, for the purpose of elementary or secondary academic  
51 program enhancement. The sum of funds available as provided in  
52 this paragraph shall be included annually in the Florida  
53 Education Finance Program and appropriate categorical programs  
54 funded in the General Appropriations Act.

55 Section 2. Paragraph (c) of subsection (2), subsection (5),  
56 paragraphs (b) and (d) of subsection (6), paragraphs (a), (b),  
57 and (d) of subsection (7), paragraphs (c), (d), and (e) of  
58 subsection (8), paragraphs (g) and (n) of subsection (9),  
59 paragraphs (d) and (e) of subsection (10), subsection (14),  
60 paragraph (c) of subsection (15), subsection (17), paragraph (e)  
61 of subsection (18), subsections (20) and (21), paragraph (a) of  
62 subsection (25), and subsection (28) of section 1002.33, Florida  
63 Statutes, are amended to read:

64 1002.33 Charter schools.—

65 (2) GUIDING PRINCIPLES; PURPOSE.—

66 (c) Charter schools may fulfill the following purposes:

67 1. Create innovative measurement tools.

68 2. Provide rigorous competition within the public school



444320

69 system district to stimulate continual improvement in all public  
70 schools.

71 3. Expand the capacity of the public school system.

72 4. Mitigate the educational impact created by the  
73 development of new residential dwelling units.

74 5. Create new professional opportunities for teachers,  
75 including ownership of the learning program at the school site.

76 (5) SPONSOR; DUTIES.—

77 (a) *Sponsoring entities.*—

78 1. A district school board may sponsor a charter school in  
79 the county over which the district school board has  
80 jurisdiction.

81 2. A state university may grant a charter to a lab school  
82 created under s. 1002.32 and shall be considered to be the  
83 school's sponsor. Such school shall be considered a charter lab  
84 school.

85 3. Because needs relating to educational capacity,  
86 workforce qualifications, and career education opportunities are  
87 constantly changing and extend beyond school district  
88 boundaries:

89 a. A state university may, upon approval by the Department  
90 of Education, solicit applications and sponsor a charter school  
91 to meet regional education or workforce demands by serving  
92 students from multiple school districts.

93 b. A Florida College System institution may, upon approval  
94 by the Department of Education, solicit applications and sponsor  
95 a charter school in any county within its service area to meet  
96 workforce demands and may offer postsecondary programs leading  
97 to industry certifications to eligible charter school students.



444320

98 A charter school established under subparagraph (b)4. may not be  
99 sponsored by a Florida College System institution until its  
100 existing charter with the school district expires as provided  
101 under subsection (7).

102 c. Notwithstanding paragraph (6) (b), a state university or  
103 Florida College System institution may, at its discretion, deny  
104 an application for a charter school.

105 (b) *Sponsor duties.*—

106 1.a. The sponsor shall monitor and review the charter  
107 school in its progress toward the goals established in the  
108 charter.

109 b. The sponsor shall monitor the revenues and expenditures  
110 of the charter school and perform the duties provided in s.  
111 1002.345.

112 c. The sponsor may approve a charter for a charter school  
113 before the applicant has identified space, equipment, or  
114 personnel, if the applicant indicates approval is necessary for  
115 it to raise working funds.

116 d. The sponsor shall not apply its policies to a charter  
117 school unless mutually agreed to by both the sponsor and the  
118 charter school. If the sponsor subsequently amends any agreed-  
119 upon sponsor policy, the version of the policy in effect at the  
120 time of the execution of the charter, or any subsequent  
121 modification thereof, shall remain in effect and the sponsor may  
122 not hold the charter school responsible for any provision of a  
123 newly revised policy until the revised policy is mutually agreed  
124 upon.

125 e. The sponsor shall ensure that the charter is innovative  
126 and consistent with the state education goals established by s.



444320

127 1000.03(5).

128 f. The sponsor shall ensure that the charter school  
129 participates in the state's education accountability system. If  
130 a charter school falls short of performance measures included in  
131 the approved charter, the sponsor shall report such shortcomings  
132 to the Department of Education.

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

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

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

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

145 k. The sponsor shall submit an annual report to the  
146 Department of Education in a web-based format to be determined  
147 by the department.

148 (I) The report shall include the following information:

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

151 ~~(B)~~ The number of ~~final~~ applications received during the  
152 school year and up to on or before August 1 and each applicant's  
153 contact information.

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



444320

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

157 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~  
158 ~~each year thereafter,~~ the sponsor shall submit to the department  
159 the information for the applications submitted the previous  
160 year.

161 (III) The department shall compile an annual report, by  
162 sponsor district, and post the report on its website by January  
163 15 ~~November 1~~ of each year.

164 2. Immunity for the sponsor of a charter school under  
165 subparagraph 1. applies only with respect to acts or omissions  
166 not under the sponsor's direct authority as described in this  
167 section.

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

170 4. A Florida College System institution may work with the  
171 school district or school districts in its designated service  
172 area to develop charter schools that offer secondary education.  
173 These charter schools must include an option for students to  
174 receive an associate degree upon high school graduation. If a  
175 Florida College System institution operates an approved teacher  
176 preparation program under s. 1004.04 or s. 1004.85, the  
177 institution may operate ~~no more than one~~ charter schools ~~school~~  
178 that serve ~~serves~~ students in kindergarten through grade 12 in  
179 any school district within the service area of the institution.  
180 ~~In kindergarten through grade 8, the charter school shall~~  
181 ~~implement innovative blended learning instructional models in~~  
182 ~~which, for a given course, a student learns in part through~~  
183 ~~online delivery of content and instruction with some element of~~  
184 ~~student control over time, place, path, or pace and in part at a~~



444320

185 ~~supervised brick and mortar location away from home. A student~~  
186 ~~in a blended learning course must be a full-time student of the~~  
187 ~~charter school and receive the online instruction in a classroom~~  
188 ~~setting at the charter school.~~ District school boards shall  
189 cooperate with and assist the Florida College System institution  
190 on the charter application. Florida College System institution  
191 applications for charter schools are not subject to the time  
192 deadlines outlined in subsection (6) and may be approved by the  
193 district school board at any time during the year. Florida  
194 College System institutions may not report FTE for any students  
195 participating under this subparagraph who receive FTE funding  
196 through the Florida Education Finance Program.

197         5. A school district may enter into nonexclusive interlocal  
198 agreements with federal and state agencies, counties,  
199 municipalities, and other governmental entities that operate  
200 within the geographical borders of the school district to act on  
201 behalf of such governmental entities in the inspection,  
202 issuance, and other necessary activities for all necessary  
203 permits, licenses, and other permissions that a charter school  
204 needs in order for development, construction, or operation. A  
205 charter school may use, but may not be required to use, a school  
206 district for these services. The interlocal agreement must  
207 include, but need not be limited to, the identification of fees  
208 that charter schools will be charged for such services. The fees  
209 must consist of the governmental entity's fees plus a fee for  
210 the school district to recover no more than actual costs for  
211 providing such services. These services and fees are not  
212 included within the services to be provided pursuant to  
213 subsection (20).





444320

214       6. The board of trustees of a sponsoring state university  
215 or Florida College System institution under paragraph (a) is the  
216 local educational agency for all charter schools it sponsors for  
217 purposes of receiving federal funds and accepts full  
218 responsibility for all local educational agency requirements and  
219 the schools for which it will perform local educational agency  
220 responsibilities. A student enrolled in a charter school that is  
221 sponsored by a state university or Florida College System  
222 institution may not be included in the calculation of the school  
223 district's grade under s. 1008.34(5) for the school district in  
224 which he or she resides.

225       (c) Sponsor accountability.—

226       1. The department shall, in collaboration with charter  
227 school sponsors and charter school operators, develop a sponsor  
228 evaluation framework that must address, at a minimum:

229       a. The sponsor's strategic vision for charter school  
230 authorizing and the sponsor's progress toward that vision.

231       b. The alignment of the sponsor's policies and practices to  
232 best practices for charter school authorizing.

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

235       d. The status of charter schools authorized by the sponsor,  
236 including approved, operating, and closed schools.

237       2. The department shall compile the results by sponsor and  
238 include the results in the report required under sub-sub-  
239 subparagraph (b)1.k.(III).

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

242       (b) A sponsor shall receive and review all applications for



444320

243 a charter school using the evaluation instrument developed by  
244 the Department of Education. ~~A sponsor shall receive and~~  
245 ~~consider charter school applications received on or before~~  
246 ~~August 1 of each calendar year for charter schools to be opened~~  
247 ~~at the beginning of the school district's next school year, or~~  
248 ~~to be opened at a time agreed to by the applicant and the~~  
249 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
250 ~~application submitted before August 1 and may receive an~~  
251 ~~application submitted later than August 1 if it chooses.~~  
252 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
253 consider charter school applications ~~received on or before~~  
254 ~~February 1 of each calendar year for charter schools to be~~  
255 ~~opened 18 months later at the beginning of the school district's~~  
256 ~~school year, or to be opened at a time determined by the~~  
257 ~~applicant. A sponsor may not refuse to receive a charter school~~  
258 ~~application submitted before February 1 and may receive an~~  
259 ~~application submitted later than February 1 if it chooses. A~~  
260 sponsor may not charge an applicant for a charter any fee for  
261 the processing or consideration of an application, and a sponsor  
262 may not base its consideration or approval of a final  
263 application upon the promise of future payment of any kind.  
264 Before approving or denying any application, the sponsor shall  
265 allow the applicant, upon receipt of written notification, at  
266 least 7 calendar days to make technical or nonsubstantive  
267 corrections and clarifications, including, but not limited to,  
268 corrections of grammatical, typographical, and like errors or  
269 missing signatures, if such errors are identified by the sponsor  
270 as cause to deny the final application.

271 1. In order to facilitate an accurate budget projection



444320

272 process, a sponsor shall be held harmless for FTE students who  
273 are not included in the FTE projection due to approval of  
274 charter school applications after the FTE projection deadline.  
275 In a further effort to facilitate an accurate budget projection,  
276 within 15 calendar days after receipt of a charter school  
277 application, a sponsor shall report to the Department of  
278 Education the name of the applicant entity, the proposed charter  
279 school location, and its projected FTE.

280 2. In order to ensure fiscal responsibility, an application  
281 for a charter school shall include a full accounting of expected  
282 assets, a projection of expected sources and amounts of income,  
283 including income derived from projected student enrollments and  
284 from community support, and an expense projection that includes  
285 full accounting of the costs of operation, including start-up  
286 costs.

287 3.a. A sponsor shall by a majority vote approve or deny an  
288 application no later than 90 calendar days after the application  
289 is received, unless the sponsor and the applicant mutually agree  
290 in writing to temporarily postpone the vote to a specific date,  
291 at which time the sponsor shall by a majority vote approve or  
292 deny the application. If the sponsor fails to act on the  
293 application, an applicant may appeal to the State Board of  
294 Education as provided in paragraph (c). If an application is  
295 denied, the sponsor shall, within 10 calendar days after such  
296 denial, articulate in writing the specific reasons, based upon  
297 good cause, supporting its denial of the application and shall  
298 provide the letter of denial and supporting documentation to the  
299 applicant and to the Department of Education.

300 b. An application submitted by a high-performing charter



444320

301 school identified pursuant to s. 1002.331 or a high-performing  
302 charter school system identified pursuant to s. 1002.332 may be  
303 denied by the sponsor only if the sponsor demonstrates by clear  
304 and convincing evidence that:

305 (I) The application of a high-performing charter school  
306 does not materially comply with the requirements in paragraph  
307 (a) or, for a high-performing charter school system, the  
308 application does not materially comply with s. 1002.332(2)(b);

309 (II) The charter school proposed in the application does  
310 not materially comply with the requirements in paragraphs  
311 (9)(a)-(f);

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

315 (IV) The applicant has made a material misrepresentation or  
316 false statement or concealed an essential or material fact  
317 during the application process; or

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

321  
322 Material noncompliance is a failure to follow requirements or a  
323 violation of prohibitions applicable to charter school  
324 applications, which failure is quantitatively or qualitatively  
325 significant either individually or when aggregated with other  
326 noncompliance. An applicant is considered to be replicating a  
327 high-performing charter school if the proposed school is  
328 substantially similar to at least one of the applicant's high-  
329 performing charter schools and the organization or individuals



444320

330 involved in the establishment and operation of the proposed  
331 school are significantly involved in the operation of replicated  
332 schools.

333 c. If the sponsor denies an application submitted by a  
334 high-performing charter school or a high-performing charter  
335 school system, the sponsor must, within 10 calendar days after  
336 such denial, state in writing the specific reasons, based upon  
337 the criteria in sub-subparagraph b., supporting its denial of  
338 the application and must provide the letter of denial and  
339 supporting documentation to the applicant and to the Department  
340 of Education. The applicant may appeal the sponsor's denial of  
341 the application in accordance with paragraph (c).

342 4. For budget projection purposes, the sponsor shall report  
343 to the Department of Education the approval or denial of an  
344 application within 10 calendar days after such approval or  
345 denial. In the event of approval, the report to the Department  
346 of Education shall include the final projected FTE for the  
347 approved charter school.

348 5. ~~Upon approval of an application, the initial startup~~  
349 ~~shall commence with the beginning of the public school calendar~~  
350 ~~for the district in which the charter is granted.~~ A charter  
351 school may defer the opening of the school's operations for up  
352 to 3 years to provide time for adequate facility planning. The  
353 charter school must provide written notice of such intent to the  
354 sponsor and the parents of enrolled students at least 30  
355 calendar days before the first day of school.

356 (d)1. The sponsor shall act upon the decision of the State  
357 Board of Education within 30 calendar days after it is received.  
358 The State Board of Education's decision is a final action



359 subject to judicial review in the district court of appeal. A  
360 prevailing party may file an action with the Division of  
361 Administrative Hearings to recover reasonable attorney fees and  
362 costs incurred during the denial of the application and any  
363 appeals.

364 2. If the State Board of Education determines that a  
365 district school board is in violation of a state board decision  
366 on a charter school application and of a court order for the  
367 school board to enter into a charter with a charter school  
368 governing board, the state board must withhold state funds  
369 provided under s. 1011.62 by the total number of K-12 students,  
370 as applicable, projected to be enrolled in the charter school in  
371 the first year of operation as reported in the charter school  
372 application. The state board shall withhold the amount in each  
373 disbursement of such funds until the district school board  
374 enters into a charter with the charter school governing board.  
375 If the district school board enters into such charter during the  
376 same fiscal year, all withheld funds must be disbursed to the  
377 district school board.

378 (7) CHARTER.—The terms and conditions for the operation of  
379 a charter school shall be set forth by the sponsor and the  
380 applicant in a written contractual agreement, called a charter.  
381 The sponsor and the governing board of the charter school shall  
382 use the standard charter contract pursuant to subsection (21),  
383 which shall incorporate the approved application and any addenda  
384 approved with the application. Any term or condition of a  
385 proposed charter contract that differs from the standard charter  
386 contract adopted by rule of the State Board of Education shall  
387 be presumed a limitation on charter school flexibility. The



444320

388 sponsor may not impose unreasonable rules or regulations that  
389 violate the intent of giving charter schools greater flexibility  
390 to meet educational goals. The charter shall be signed by the  
391 governing board of the charter school and the sponsor, following  
392 a public hearing to ensure community input.

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

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

397 2. The focus of the curriculum, the instructional methods  
398 to be used, any distinctive instructional techniques to be  
399 employed, and identification and acquisition of appropriate  
400 technologies needed to improve educational and administrative  
401 performance which include a means for promoting safe, ethical,  
402 and appropriate uses of technology which comply with legal and  
403 professional standards.

404 a. The charter shall ensure that reading is a primary focus  
405 of the curriculum and that resources are provided to identify  
406 and provide specialized instruction for students who are reading  
407 below grade level. The curriculum and instructional strategies  
408 for reading must be consistent with the Next Generation Sunshine  
409 State Standards and grounded in scientifically based reading  
410 research.

411 b. In order to provide students with access to diverse  
412 instructional delivery models, to facilitate the integration of  
413 technology within traditional classroom instruction, and to  
414 provide students with the skills they need to compete in the  
415 21st century economy, the Legislature encourages instructional  
416 methods for blended learning courses consisting of both



444320

417 traditional classroom and online instructional techniques.  
418 Charter schools may implement blended learning courses which  
419 combine traditional classroom instruction and virtual  
420 instruction. Students in a blended learning course must be full-  
421 time students of the charter school pursuant to s.  
422 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
423 1012.55 who provide virtual instruction for blended learning  
424 courses may be employees of the charter school or may be under  
425 contract to provide instructional services to charter school  
426 students. At a minimum, such instructional personnel must hold  
427 an active state or school district adjunct certification under  
428 s. 1012.57 for the subject area of the blended learning course.  
429 The funding and performance accountability requirements for  
430 blended learning courses are the same as those for traditional  
431 courses.

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

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

438 b. How these baseline rates will be compared to rates of  
439 academic progress achieved by these same students while  
440 attending the charter school.

441 c. To the extent possible, how these rates of progress will  
442 be evaluated and compared with rates of progress of other  
443 closely comparable student populations.

444  
445 A ~~The~~ district school board is required to provide academic





444320

446 student performance data to charter schools for each of their  
447 students coming from the district school system, as well as  
448 rates of academic progress of comparable student populations in  
449 the district school system.

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

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

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

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

467 8. The ways by which the school will achieve a  
468 racial/ethnic balance reflective of the community it serves or  
469 within the racial/ethnic range of other nearby public schools ~~in~~  
470 ~~the same school district.~~

471 9. The financial and administrative management of the  
472 school, including a reasonable demonstration of the professional  
473 experience or competence of those individuals or organizations  
474 applying to operate the charter school or those hired or



444320

475 retained to perform such professional services and the  
476 description of clearly delineated responsibilities and the  
477 policies and practices needed to effectively manage the charter  
478 school. A description of internal audit procedures and  
479 establishment of controls to ensure that financial resources are  
480 properly managed must be included. Both public sector and  
481 private sector professional experience shall be equally valid in  
482 such a consideration.

483         10. The asset and liability projections required in the  
484 application which are incorporated into the charter and shall be  
485 compared with information provided in the annual report of the  
486 charter school.

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

495         12. The term of the charter which shall provide for  
496 cancellation of the charter if insufficient progress has been  
497 made in attaining the student achievement objectives of the  
498 charter and if it is not likely that such objectives can be  
499 achieved before expiration of the charter. The initial term of a  
500 charter shall be for 5 years, excluding 2 planning years. In  
501 order to facilitate access to long-term financial resources for  
502 charter school construction, charter schools that are operated  
503 by a municipality or other public entity as provided by law are



444320

504 eligible for up to a 15-year charter, subject to approval by the  
505 sponsor ~~district school board~~. A charter lab school is eligible  
506 for a charter for a term of up to 15 years. In addition, to  
507 facilitate access to long-term financial resources for charter  
508 school construction, charter schools that are operated by a  
509 private, not-for-profit, s. 501(c)(3) status corporation are  
510 eligible for up to a 15-year charter, subject to approval by the  
511 sponsor ~~district school board~~. Such long-term charters remain  
512 subject to annual review and may be terminated during the term  
513 of the charter, but only according to the provisions set forth  
514 in subsection (8).

515 13. The facilities to be used and their location. The  
516 sponsor may not require a charter school to have a certificate  
517 of occupancy or a temporary certificate of occupancy for such a  
518 facility earlier than 15 calendar days before the first day of  
519 school.

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

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

526 16. A timetable for implementing the charter which  
527 addresses the implementation of each element thereof and the  
528 date by which the charter shall be awarded in order to meet this  
529 timetable.

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



444320

533 for current teachers who choose not to teach in the charter  
534 school after conversion in accordance with the existing  
535 collective bargaining agreement or district school board rule in  
536 the absence of a collective bargaining agreement. However,  
537 alternative arrangements shall not be required for current  
538 teachers who choose not to teach in a charter lab school, except  
539 as authorized by the employment policies of the state university  
540 which grants the charter to the lab school.

541 18. Full disclosure of the identity of all relatives  
542 employed by the charter school who are related to the charter  
543 school owner, president, chairperson of the governing board of  
544 directors, superintendent, governing board member, principal,  
545 assistant principal, or any other person employed by the charter  
546 school who has equivalent decisionmaking authority. For the  
547 purpose of this subparagraph, the term "relative" means father,  
548 mother, son, daughter, brother, sister, uncle, aunt, first  
549 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
550 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
551 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
552 stepsister, half brother, or half sister.

553 19. Implementation of the activities authorized under s.  
554 1002.331 by the charter school when it satisfies the eligibility  
555 requirements for a high-performing charter school. A high-  
556 performing charter school shall notify its sponsor in writing by  
557 March 1 if it intends to increase enrollment or expand grade  
558 levels the following school year. The written notice shall  
559 specify the amount of the enrollment increase and the grade  
560 levels that will be added, as applicable.

561 (b) The sponsor has 30 days after approval of the



444320

562 application to provide an initial proposed charter contract to  
563 the charter school. The applicant and the sponsor have 40 days  
564 thereafter to negotiate and notice the charter contract for  
565 final approval by the sponsor unless both parties agree to an  
566 extension. The proposed charter contract shall be provided to  
567 the charter school at least 7 calendar days before the date of  
568 the meeting at which the charter is scheduled to be voted upon  
569 by the sponsor. The Department of Education shall provide  
570 mediation services for any dispute regarding this section  
571 subsequent to the approval of a charter application and for any  
572 dispute relating to the approved charter, except a dispute  
573 regarding a charter school application denial. If either the  
574 charter school or the sponsor indicates in writing that the  
575 party does not desire to settle any dispute arising under this  
576 section through mediation procedures offered by the Department  
577 of Education, a charter school may immediately appeal any formal  
578 or informal decision by the sponsor to an administrative law  
579 judge appointed by the Division of Administrative Hearings. If  
580 the Commissioner of Education determines that the dispute cannot  
581 be settled through mediation, the dispute may also be appealed  
582 to an administrative law judge appointed by the Division of  
583 Administrative Hearings. The administrative law judge has final  
584 order authority to rule on issues of equitable treatment of the  
585 charter school as a public school, whether proposed provisions  
586 of the charter violate the intended flexibility granted charter  
587 schools by statute, or any other matter regarding this section,  
588 except a dispute regarding charter school application denial, a  
589 charter termination, or a charter nonrenewal. The administrative  
590 law judge shall award the prevailing party reasonable attorney



444320

591 fees and costs incurred during the mediation process,  
592 administrative proceeding, and any appeals, to be paid by the  
593 party whom the administrative law judge rules against.

594 (d) A charter may be modified during its initial term or  
595 any renewal term upon the recommendation of the sponsor or the  
596 charter school's governing board and the approval of both  
597 parties to the agreement. Changes to curriculum that are  
598 consistent with state standards and are necessary to implement  
599 blended learning shall be deemed approved unless the sponsor  
600 determines in writing that the curriculum is inconsistent with  
601 state standards. Modification during any term may include, but  
602 is not limited to, consolidation of multiple charters into a  
603 single charter if the charters are operated under the same  
604 governing board, regardless of the renewal cycle. A charter  
605 school that is not subject to a school improvement plan and that  
606 closes as part of a consolidation shall be reported by the  
607 sponsor ~~school district~~ as a consolidation.

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

609 (c) A charter may be terminated immediately if the sponsor  
610 sets forth in writing the particular facts and circumstances  
611 demonstrating ~~indicating~~ that an immediate and serious danger to  
612 the health, safety, or welfare of the charter school's students  
613 exists, that the immediate and serious danger is likely to  
614 continue, and that an immediate termination of the charter is  
615 necessary. The sponsor's determination is subject to the  
616 procedures set forth in paragraph (b), except that the hearing  
617 may take place after the charter has been terminated. The  
618 sponsor shall notify in writing the charter school's governing  
619 board, the charter school principal, and the department of the



444320

620 facts and circumstances supporting the immediate termination if  
621 ~~a charter is terminated immediately.~~ The sponsor shall clearly  
622 identify the specific issues that resulted in the immediate  
623 termination and provide evidence of prior notification of issues  
624 resulting in the immediate termination, if applicable when  
625 ~~appropriate.~~ Upon receiving written notice from the sponsor, the  
626 charter school's governing board has 10 calendar days to request  
627 a hearing. A requested hearing must be expedited and the final  
628 order must be issued within 60 days after the date of request.  
629 The administrative law judge shall award reasonable attorney  
630 fees and costs to the prevailing party of any injunction,  
631 administrative proceeding, or appeal. The sponsor may seek an  
632 injunction in the circuit court in which the charter school is  
633 located to enjoin continued operation of the charter school if  
634 ~~shall assume operation of the charter school throughout the~~  
635 ~~pendency of the hearing under paragraph (b) unless the continued~~  
636 ~~operation of the charter school would materially threaten the~~  
637 ~~health, safety, or welfare of the students. Failure by the~~  
638 ~~sponsor to assume and continue operation of the charter school~~  
639 ~~shall result in the awarding of reasonable costs and attorney's~~  
640 ~~fees to the charter school if the charter school prevails on~~  
641 ~~appeal.~~

642 (d) When a charter is not renewed or is terminated, the  
643 school shall be dissolved under the provisions of law under  
644 which the school was organized, and any unencumbered public  
645 funds, except for capital outlay funds and federal charter  
646 school program grant funds, from the charter school shall revert  
647 to the sponsor. Capital outlay funds provided pursuant to s.  
648 1013.62 and federal charter school program grant funds that are



444320

649 unencumbered shall revert to the department to be redistributed  
650 among eligible charter schools. In the event a charter school is  
651 dissolved or is otherwise terminated, all sponsor ~~district~~  
652 ~~school board~~ property and improvements, furnishings, and  
653 equipment purchased with public funds shall automatically revert  
654 to full ownership by the sponsor ~~district school board~~, subject  
655 to complete satisfaction of any lawful liens or encumbrances.  
656 Any unencumbered public funds from the charter school, ~~district~~  
657 ~~school board~~ property and improvements, furnishings, and  
658 equipment purchased with public funds, or financial or other  
659 records pertaining to the charter school, in the possession of  
660 any person, entity, or holding company, other than the charter  
661 school, shall be held in trust upon the sponsor's ~~district~~  
662 ~~school board's~~ request, until any appeal status is resolved.

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

671 (9) CHARTER SCHOOL REQUIREMENTS.—

672 (g)1. In order to provide financial information that is  
673 comparable to that reported for other public schools, charter  
674 schools are to maintain all financial records that constitute  
675 their accounting system:

676 a. In accordance with the accounts and codes prescribed in  
677 the most recent issuance of the publication titled "Financial





678 and Program Cost Accounting and Reporting for Florida Schools";  
679 or

680 b. At the discretion of the charter school's governing  
681 board, a charter school may elect to follow generally accepted  
682 accounting standards for not-for-profit organizations, but must  
683 reformat this information for reporting according to this  
684 paragraph.

685 2. Charter schools shall provide annual financial report  
686 and program cost report information in the state-required  
687 formats for inclusion in sponsor ~~district~~ reporting in  
688 compliance with s. 1011.60(1). Charter schools that are operated  
689 by a municipality or are a component unit of a parent nonprofit  
690 organization may use the accounting system of the municipality  
691 or the parent but must reformat this information for reporting  
692 according to this paragraph.

693 3. A charter school shall, upon approval of the charter  
694 contract, provide the sponsor with a concise, uniform, monthly  
695 financial statement summary sheet that contains a balance sheet  
696 and a statement of revenue, expenditures, and changes in fund  
697 balance. The balance sheet and the statement of revenue,  
698 expenditures, and changes in fund balance shall be in the  
699 governmental funds format prescribed by the Governmental  
700 Accounting Standards Board. A high-performing charter school  
701 pursuant to s. 1002.331 may provide a quarterly financial  
702 statement in the same format and requirements as the uniform  
703 monthly financial statement summary sheet. The sponsor shall  
704 review each monthly or quarterly financial statement to identify  
705 the existence of any conditions identified in s. 1002.345(1)(a).

706 4. A charter school shall maintain and provide financial



444320

707 information as required in this paragraph. The financial  
708 statement required in subparagraph 3. must be in a form  
709 prescribed by the Department of Education.

710 (n)1. The director and a representative of the governing  
711 board of a charter school that has earned a grade of "D" or "F"  
712 pursuant to s. 1008.34 shall appear before the sponsor to  
713 present information concerning each contract component having  
714 noted deficiencies. The director and a representative of the  
715 governing board shall submit to the sponsor for approval a  
716 school improvement plan to raise student performance. Upon  
717 approval by the sponsor, the charter school shall begin  
718 implementation of the school improvement plan. The department  
719 shall offer technical assistance and training to the charter  
720 school and its governing board and establish guidelines for  
721 developing, submitting, and approving such plans.

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

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

728 (II) Contract with an outside entity that has a  
729 demonstrated record of effectiveness to operate the school;

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

732 (IV) Voluntarily close the charter school.

733 b. The charter school must implement the corrective action  
734 in the school year following receipt of a third consecutive  
735 grade below a "C."



444320

736           c. The sponsor may annually waive a corrective action if it  
737 determines that the charter school is likely to improve a letter  
738 grade if additional time is provided to implement the  
739 intervention and support strategies prescribed by the school  
740 improvement plan. Notwithstanding this sub-subparagraph, a  
741 charter school that earns a second consecutive grade of "F" is  
742 subject to subparagraph 3.

743           d. A charter school is no longer required to implement a  
744 corrective action if it improves to a "C" or higher. However,  
745 the charter school must continue to implement strategies  
746 identified in the school improvement plan. The sponsor must  
747 annually review implementation of the school improvement plan to  
748 monitor the school's continued improvement pursuant to  
749 subparagraph 4.

750           e. A charter school implementing a corrective action that  
751 does not improve to a "C" or higher after 2 full school years of  
752 implementing the corrective action must select a different  
753 corrective action. Implementation of the new corrective action  
754 must begin in the school year following the implementation  
755 period of the existing corrective action, unless the sponsor  
756 determines that the charter school is likely to improve to a "C"  
757 or higher if additional time is provided to implement the  
758 existing corrective action. Notwithstanding this sub-  
759 subparagraph, a charter school that earns a second consecutive  
760 grade of "F" while implementing a corrective action is subject  
761 to subparagraph 3.

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



765 a. The charter school is established to turn around the  
766 performance of a district public school pursuant to s.  
767 1008.33(4)(b)2. Such charter schools shall be governed by s.  
768 1008.33;

769 b. The charter school serves a student population the  
770 majority of which resides in a school zone served by a district  
771 public school subject to s. 1008.33(4) and the charter school  
772 earns at least a grade of "D" in its third year of operation.  
773 The exception provided under this sub-subparagraph does not  
774 apply to a charter school in its fourth year of operation and  
775 thereafter; or

776 c. The state board grants the charter school a waiver of  
777 termination. The charter school must request the waiver within  
778 15 days after the department's official release of school  
779 grades. The state board may waive termination if the charter  
780 school demonstrates that the Learning Gains of its students on  
781 statewide assessments are comparable to or better than the  
782 Learning Gains of similarly situated students enrolled in nearby  
783 ~~district~~ public schools. The waiver is valid for 1 year and may  
784 only be granted once. Charter schools that have been in  
785 operation for more than 5 years are not eligible for a waiver  
786 under this sub-subparagraph.

787  
788 The sponsor shall notify the charter school's governing board,  
789 the charter school principal, and the department in writing when  
790 a charter contract is terminated under this subparagraph. A  
791 charter terminated under this subparagraph must follow the  
792 procedures for dissolution and reversion of public funds  
793 pursuant to paragraphs (8)(d)-(f) and (9)(o).



444320

794           4. The director and a representative of the governing board  
795 of a graded charter school that has implemented a school  
796 improvement plan under this paragraph shall appear before the  
797 sponsor at least once a year to present information regarding  
798 the progress of intervention and support strategies implemented  
799 by the school pursuant to the school improvement plan and  
800 corrective actions, if applicable. The sponsor shall communicate  
801 at the meeting, and in writing to the director, the services  
802 provided to the school to help the school address its  
803 deficiencies.

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

807           (10) ELIGIBLE STUDENTS.—

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

810           1. Students who are siblings of a student enrolled in the  
811 charter school.

812           2. Students who are the children of a member of the  
813 governing board of the charter school.

814           3. Students who are the children of an employee of the  
815 charter school.

816           4. Students who are the children of:

817           a. An employee of the business partner of a charter  
818 school-in-the-workplace established under paragraph (15) (b) or a  
819 resident of the municipality in which such charter school is  
820 located; or

821           b. A resident or employee of a municipality that operates a  
822 charter school-in-a-municipality pursuant to paragraph (15) (c)



823 or allows a charter school to use a school facility or portion  
824 of land provided by the municipality for the operation of the  
825 charter school.

826 5. Students who have successfully completed, during the  
827 previous year, a voluntary prekindergarten education program  
828 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the  
829 charter school's governing board, or a voluntary prekindergarten  
830 provider that has a written agreement with the governing board  
831 ~~during the previous year.~~

832 6. Students who are the children of an active duty member  
833 of any branch of the United States Armed Forces.

834 7. Students who attended or are assigned to failing schools  
835 pursuant to s. 1002.38(2).

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

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

839 2. Students considered at risk of dropping out of school or  
840 academic failure. Such students shall include exceptional  
841 education students.

842 3. Students enrolling in a charter school-in-the-workplace  
843 or charter school-in-a-municipality established pursuant to  
844 subsection (15).

845 4. Students residing within a reasonable distance of the  
846 charter school, as described in paragraph (20)(c). Such students  
847 shall be subject to a random lottery and to the racial/ethnic  
848 balance provisions described in subparagraph (7)(a)8. or any  
849 federal provisions that require a school to achieve a  
850 racial/ethnic balance reflective of the community it serves or  
851 within the racial/ethnic range of other nearby public schools ~~in~~



444320

852 ~~the same school district.~~

853           5. Students who meet reasonable academic, artistic, or  
854 other eligibility standards established by the charter school  
855 and included in the charter school application and charter or,  
856 in the case of existing charter schools, standards that are  
857 consistent with the school's mission and purpose. Such standards  
858 shall be in accordance with current state law and practice in  
859 public schools and may not discriminate against otherwise  
860 qualified individuals.

861           6. Students articulating from one charter school to another  
862 pursuant to an articulation agreement between the charter  
863 schools that has been approved by the sponsor.

864           7. Students living in a development in which a developer,  
865 including any affiliated business entity or charitable  
866 foundation, contributes to the formation, acquisition,  
867 construction, or operation of one or more charter schools or  
868 charter ~~provides the school facilities facility~~ and related  
869 property in an amount equal to or having a total ~~an~~ appraised  
870 value of at least \$5 million to be used as a charter schools  
871 ~~school~~ to mitigate the educational impact created by the  
872 development of new residential dwelling units. Students living  
873 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
874 percent of the student stations in the charter schools ~~school~~.  
875 The students who are eligible for enrollment are subject to a  
876 random lottery, the racial/ethnic balance provisions, or any  
877 federal provisions, as described in subparagraph 4. The  
878 remainder of the student stations must ~~shall~~ be filled in  
879 accordance with subparagraph 4.

880           (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION



444320

881 OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER  
882 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or  
883 otherwise secure funds for a charter school authorized in this  
884 section from a source other than the state or a sponsor school  
885 ~~district~~ shall indemnify the state and the sponsor school  
886 ~~district~~ from any and all liability, including, but not limited  
887 to, financial responsibility for the payment of the principal or  
888 interest. Any loans, bonds, or other financial agreements are  
889 not obligations of the state or the sponsor school district but  
890 are obligations of the charter school authority and are payable  
891 solely from the sources of funds pledged by such agreement. The  
892 credit or taxing power of the state or the sponsor school  
893 ~~district~~ shall not be pledged and no debts shall be payable out  
894 of any moneys except those of the legal entity in possession of  
895 a valid charter approved by a sponsor district school board  
896 pursuant to this section.

897 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
898 A-MUNICIPALITY.—

899 (c) A charter school-in-a-municipality designation may be  
900 granted to a municipality that possesses a charter; enrolls  
901 students based upon a random lottery that involves all of the  
902 children of the residents of that municipality who are seeking  
903 enrollment, as provided for in subsection (10); and enrolls  
904 students according to the racial/ethnic balance provisions  
905 described in subparagraph (7)(a)8. When a municipality has  
906 submitted charter applications for the establishment of a  
907 charter school feeder pattern, consisting of elementary, middle,  
908 and senior high schools, and each individual charter application  
909 is approved by the sponsor district school board, such schools





910 shall then be designated as one charter school for all purposes  
911 listed pursuant to this section. Any portion of the land and  
912 facility used for a public charter school shall be exempt from  
913 ad valorem taxes, as provided for in s. 1013.54, for the  
914 duration of its use as a public school.

915 (17) FUNDING.—Students enrolled in a charter school,  
916 regardless of the sponsorship, shall be funded as if they are in  
917 a basic program or a special program, the same as students  
918 enrolled in other public schools in a ~~the~~ school district.  
919 Funding for a charter lab school shall be as provided in s.  
920 1002.32.

921 (a) Each charter school shall report its student enrollment  
922 to the sponsor as required in s. 1011.62, and in accordance with  
923 the definitions in s. 1011.61. The sponsor shall include each  
924 charter school's enrollment in the sponsor's ~~district's~~ report  
925 of student enrollment. All charter schools submitting student  
926 record information required by the Department of Education shall  
927 comply with the Department of Education's guidelines for  
928 electronic data formats for such data, and all sponsors  
929 ~~districts~~ shall accept electronic data that complies with the  
930 Department of Education's electronic format.

931 (b) 1. The basis for the agreement for funding students  
932 enrolled in a charter school shall be the sum of the school  
933 district's operating funds from the Florida Education Finance  
934 Program as provided in s. 1011.62 and the General Appropriations  
935 Act, including gross state and local funds, discretionary  
936 lottery funds, and funds from the school district's current  
937 operating discretionary millage levy; divided by total funded  
938 weighted full-time equivalent students in the school district;



444320

939 and multiplied by the weighted full-time equivalent students for  
940 the charter school. Charter schools whose students or programs  
941 meet the eligibility criteria in law are entitled to their  
942 proportionate share of categorical program funds included in the  
943 total funds available in the Florida Education Finance Program  
944 by the Legislature, including transportation, the research-based  
945 reading allocation, and the Florida digital classrooms  
946 allocation. Total funding for each charter school shall be  
947 recalculated during the year to reflect the revised calculations  
948 under the Florida Education Finance Program by the state and the  
949 actual weighted full-time equivalent students reported by the  
950 charter school during the full-time equivalent student survey  
951 periods designated by the Commissioner of Education. For charter  
952 schools operated by a not-for-profit or municipal entity, any  
953 unrestricted current and capital assets identified in the  
954 charter school's annual financial audit may be used for other  
955 charter schools operated by the not-for-profit or municipal  
956 entity within the school district. Unrestricted current assets  
957 shall be used in accordance with s. 1011.62, and any  
958 unrestricted capital assets shall be used in accordance with s.  
959 1013.62(2).

960 2.a. Students enrolled in a charter school sponsored by a  
961 state university or Florida College System institution pursuant  
962 to paragraph (5)(a) shall be funded as if they are in a basic  
963 program or a special program in the school district. The basis  
964 for funding these students is the sum of the total operating  
965 funds from the Florida Education Finance Program for the school  
966 district in which the school is located as provided in s.  
967 1011.62 and the General Appropriations Act, including gross



444320

968 state and local funds, discretionary lottery funds, and funds  
969 from each school district's current operating discretionary  
970 millage levy, divided by total funded weighted full-time  
971 equivalent students in the district, and multiplied by the full-  
972 time equivalent membership of the charter school. The Department  
973 of Education shall develop a tool that each state university or  
974 Florida College System institution sponsoring a charter school  
975 shall use for purposes of calculating the funding amount for  
976 each eligible charter school student. The total amount obtained  
977 from the calculation must be appropriated from state funds in  
978 the General Appropriations Act to the charter school.

979 b. Capital outlay funding for a charter school sponsored by  
980 a state university or Florida College System institution  
981 pursuant to paragraph (5) (a) is determined pursuant to s.  
982 1013.62 and the General Appropriations Act.

983 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
984 schools shall receive all federal funding for which the school  
985 is otherwise eligible, including Title I funding, not later than  
986 5 months after the charter school first opens and within 5  
987 months after any subsequent expansion of enrollment. Unless  
988 otherwise mutually agreed to by the charter school and its  
989 sponsor, and consistent with state and federal rules and  
990 regulations governing the use and disbursement of federal funds,  
991 the sponsor shall reimburse the charter school on a monthly  
992 basis for all invoices submitted by the charter school for  
993 federal funds available to the sponsor for the benefit of the  
994 charter school, the charter school's students, and the charter  
995 school's students as public school students in the school  
996 district. Such federal funds include, but are not limited to,



444320

997 Title I, Title II, and Individuals with Disabilities Education  
998 Act (IDEA) funds. To receive timely reimbursement for an  
999 invoice, the charter school must submit the invoice to the  
1000 sponsor at least 30 days before the monthly date of  
1001 reimbursement set by the sponsor. In order to be reimbursed, any  
1002 expenditures made by the charter school must comply with all  
1003 applicable state rules and federal regulations, including, but  
1004 not limited to, the applicable federal Office of Management and  
1005 Budget Circulars; the federal Education Department General  
1006 Administrative Regulations; and program-specific statutes,  
1007 rules, and regulations. Such funds may not be made available to  
1008 the charter school until a plan is submitted to the sponsor for  
1009 approval of the use of the funds in accordance with applicable  
1010 federal requirements. The sponsor has 30 days to review and  
1011 approve any plan submitted pursuant to this paragraph.

1012 (d) Charter schools shall be included by the Department of  
1013 Education and the district school board in requests for federal  
1014 stimulus funds in the same manner as district school board-  
1015 operated public schools, including Title I and IDEA funds and  
1016 shall be entitled to receive such funds. Charter schools are  
1017 eligible to participate in federal competitive grants that are  
1018 available as part of the federal stimulus funds.

1019 (e) Sponsors ~~District school boards~~ shall make timely and  
1020 efficient payment and reimbursement to charter schools,  
1021 including processing paperwork required to access special state  
1022 and federal funding for which they may be eligible. Payments of  
1023 funds under paragraph (b) shall be made monthly or twice a  
1024 month, beginning with the start of the sponsor's ~~district school~~  
1025 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one



444320

1026 twenty-fourth, as applicable, of the total state and local funds  
1027 described in paragraph (b) and adjusted as set forth therein.  
1028 For the first 2 years of a charter school's operation, if a  
1029 minimum of 75 percent of the projected enrollment is entered  
1030 into the sponsor's student information system by the first day  
1031 of the current month, the sponsor ~~district school board~~ shall  
1032 distribute funds to the school for the months of July through  
1033 October based on the projected full-time equivalent student  
1034 membership of the charter school as submitted in the approved  
1035 application. If less than 75 percent of the projected enrollment  
1036 is entered into the sponsor's student information system by the  
1037 first day of the current month, the sponsor shall base payments  
1038 on the actual number of student enrollment entered into the  
1039 sponsor's student information system. Thereafter, the results of  
1040 full-time equivalent student membership surveys shall be used in  
1041 adjusting the amount of funds distributed monthly to the charter  
1042 school for the remainder of the fiscal year. The payments shall  
1043 be issued no later than 10 working days after the sponsor  
1044 ~~district school board~~ receives a distribution of state or  
1045 federal funds or the date the payment is due pursuant to this  
1046 subsection. If a warrant for payment is not issued within 10  
1047 working days after receipt of funding by the sponsor ~~district~~  
1048 ~~school board~~, the sponsor ~~school district~~ shall pay to the  
1049 charter school, in addition to the amount of the scheduled  
1050 disbursement, interest at a rate of 1 percent per month  
1051 calculated on a daily basis on the unpaid balance from the  
1052 expiration of the 10 working days until such time as the warrant  
1053 is issued. The district school board may not delay payment to a  
1054 charter school of any portion of the funds provided in paragraph



444320

1055 (b) based on the timing of receipt of local funds by the  
1056 district school board.

1057 (f) Funding for a virtual charter school shall be as  
1058 provided in s. 1002.45(7).

1059 (g) To be eligible for public education capital outlay  
1060 (PECO) funds, a charter school must be located in the State of  
1061 Florida.

1062 (h) A charter school that implements a schoolwide standard  
1063 student attire policy pursuant to s. 1011.78 is eligible to  
1064 receive incentive payments.

1065 (18) FACILITIES.—

1066 (e) If a district school board facility or property is  
1067 available because it is surplus, marked for disposal, or  
1068 otherwise unused, it shall be provided for a charter school's  
1069 use on the same basis as it is made available to other public  
1070 schools in the district. A charter school receiving property  
1071 from the sponsor school ~~school-district~~ may not sell or dispose of such  
1072 property without written permission of the sponsor school  
1073 ~~district~~. Similarly, for an existing public school converting to  
1074 charter status, no rental or leasing fee for the existing  
1075 facility or for the property normally inventoried to the  
1076 conversion school may be charged by the district school board to  
1077 the parents and teachers organizing the charter school. The  
1078 charter school shall agree to reasonable maintenance provisions  
1079 in order to maintain the facility in a manner similar to  
1080 district school board standards. The Public Education Capital  
1081 Outlay maintenance funds or any other maintenance funds  
1082 generated by the facility operated as a conversion school shall  
1083 remain with the conversion school.



444320

1084 (20) SERVICES.—

1085 (a)1. A sponsor shall provide certain administrative and  
1086 educational services to charter schools. These services shall  
1087 include contract management services; full-time equivalent and  
1088 data reporting services; exceptional student education  
1089 administration services; services related to eligibility and  
1090 reporting duties required to ensure that school lunch services  
1091 under the National School Lunch Program, consistent with the  
1092 needs of the charter school, are provided by the sponsor ~~school~~  
1093 ~~district~~ at the request of the charter school, that any funds  
1094 due to the charter school under the National School Lunch  
1095 Program be paid to the charter school as soon as the charter  
1096 school begins serving food under the National School Lunch  
1097 Program, and that the charter school is paid at the same time  
1098 and in the same manner under the National School Lunch Program  
1099 as other public schools serviced by the sponsor or the school  
1100 district; test administration services, including payment of the  
1101 costs of state-required or district-required student  
1102 assessments; processing of teacher certificate data services;  
1103 and information services, including equal access to the  
1104 sponsor's student information systems that are used by public  
1105 schools in the district in which the charter school is located  
1106 or by schools in the sponsor's portfolio of charter schools if  
1107 the sponsor is not a school district. Student performance data  
1108 for each student in a charter school, including, but not limited  
1109 to, FCAT scores, standardized test scores, previous public  
1110 school student report cards, and student performance measures,  
1111 shall be provided by the sponsor to a charter school in the same  
1112 manner provided to other public schools in the district or by



1113 schools in the sponsor's portfolio of charter schools if the  
1114 sponsor is not a school district.

1115         2. A sponsor may withhold an administrative fee for the  
1116 provision of such services which shall be a percentage of the  
1117 available funds defined in paragraph (17)(b) calculated based on  
1118 weighted full-time equivalent students. If the charter school  
1119 serves 75 percent or more exceptional education students as  
1120 defined in s. 1003.01(3), the percentage shall be calculated  
1121 based on unweighted full-time equivalent students. The  
1122 administrative fee shall be calculated as follows:

1123         a. Up to 5 percent for:

1124             (I) Enrollment of up to and including 250 students in a  
1125 charter school as defined in this section.

1126             (II) Enrollment of up to and including 500 students within  
1127 a charter school system which meets all of the following:

1128                 (A) Includes conversion charter schools and nonconversion  
1129 charter schools.

1130                 (B) Has all of its schools located in the same county.

1131                 (C) Has a total enrollment exceeding the total enrollment  
1132 of at least one school district in this ~~the~~ state.

1133                 (D) Has the same governing board for all of its schools.

1134                 (E) Does not contract with a for-profit service provider  
1135 for management of school operations.

1136             (III) Enrollment of up to and including 250 students in a  
1137 virtual charter school.

1138         b. Up to 2 percent for enrollment of up to and including  
1139 250 students in a high-performing charter school as defined in  
1140 s. 1002.331.

1141         c. Up to 2 percent for enrollment of up to and including





444320

1142 250 students in an exceptional student education center that  
1143 meets the requirements of the rules adopted by the State Board  
1144 of Education pursuant to s. 1008.3415(3).

1145 3. A sponsor may not charge charter schools any additional  
1146 fees or surcharges for administrative and educational services  
1147 in addition to the maximum percentage of administrative fees  
1148 withheld pursuant to this paragraph.

1149 4. A sponsor shall provide to the department by September  
1150 15 of each year the total amount of funding withheld from  
1151 charter schools pursuant to this subsection for the prior fiscal  
1152 year. The department must include the information in the report  
1153 required under sub-sub-subparagraph (5) (b)1.k.(III).

1154 (b) If goods and services are made available to the charter  
1155 school through the contract with the sponsor ~~school district~~,  
1156 they shall be provided to the charter school at a rate no  
1157 greater than the sponsor's ~~district's~~ actual cost unless  
1158 mutually agreed upon by the charter school and the sponsor in a  
1159 contract negotiated separately from the charter. When mediation  
1160 has failed to resolve disputes over contracted services or  
1161 contractual matters not included in the charter, an appeal may  
1162 be made to an administrative law judge appointed by the Division  
1163 of Administrative Hearings. The administrative law judge has  
1164 final order authority to rule on the dispute. The administrative  
1165 law judge shall award the prevailing party reasonable attorney  
1166 fees and costs incurred during the mediation process,  
1167 administrative proceeding, and any appeals, to be paid by the  
1168 party whom the administrative law judge rules against. To  
1169 maximize the use of state funds, sponsors ~~school districts~~ shall  
1170 allow charter schools to participate in the sponsor's bulk



444320

1171 purchasing program if applicable.

1172 (c) Transportation of charter school students shall be  
1173 provided by the charter school consistent with the requirements  
1174 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1175 body of the charter school may provide transportation through an  
1176 agreement or contract with the sponsor ~~district school board~~, a  
1177 private provider, or parents. The charter school and the sponsor  
1178 shall cooperate in making arrangements that ensure that  
1179 transportation is not a barrier to equal access for all students  
1180 residing within a reasonable distance of the charter school as  
1181 determined in its charter.

1182 (d) Each charter school shall annually complete and submit  
1183 a survey, provided in a format specified by the Department of  
1184 Education, to rate the timeliness and quality of services  
1185 provided by the sponsor ~~district~~ in accordance with this  
1186 section. The department shall compile the results, by sponsor  
1187 ~~district~~, and include the results in the report required under  
1188 sub-sub-subparagraph (5) (b)1.k.(III).

1189 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1190 (a) The Department of Education shall provide information  
1191 to the public, directly and through sponsors, on how to form and  
1192 operate a charter school and how to enroll in a charter school  
1193 once it is created. This information shall include the standard  
1194 application form, standard charter contract, standard evaluation  
1195 instrument, and standard charter renewal contract, which shall  
1196 include the information specified in subsection (7) and shall be  
1197 developed by consulting and negotiating with both sponsors  
1198 ~~school districts~~ and charter schools before implementation. The  
1199 charter and charter renewal contracts shall be used by charter



444320

1200 school sponsors.

1201 (b)1. The Department of Education shall report to each  
1202 charter school receiving a school grade pursuant to s. 1008.34  
1203 or a school improvement rating pursuant to s. 1008.341 the  
1204 school's student assessment data.

1205 2. The charter school shall report the information in  
1206 subparagraph 1. to each parent of a student at the charter  
1207 school, the parent of a child on a waiting list for the charter  
1208 school, the sponsor ~~district in which the charter school is~~  
1209 ~~located~~, and the governing board of the charter school. This  
1210 paragraph does not abrogate the provisions of s. 1002.22,  
1211 relating to student records, or the requirements of 20 U.S.C. s.  
1212 1232g, the Family Educational Rights and Privacy Act.

1213 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
1214 SCHOOL SYSTEMS.—

1215 (a) A charter school system's governing board shall be  
1216 designated a local educational agency for the purpose of  
1217 receiving federal funds, the same as though the charter school  
1218 system were a school district, if the governing board of the  
1219 charter school system has adopted and filed a resolution with  
1220 its sponsor ~~sponsoring district school board~~ and the Department  
1221 of Education in which the governing board of the charter school  
1222 system accepts the full responsibility for all local education  
1223 agency requirements and the charter school system meets all of  
1224 the following:

- 1225 1. Has all schools located in the same county;
- 1226 2. Has a total enrollment exceeding the total enrollment of  
1227 at least one school district in this ~~the~~ state; and
- 1228 3. Has the same governing board.



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

(28) RULEMAKING.—The Department of Education, after consultation with sponsors ~~school districts~~ and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, and standard charter and charter renewal contracts in accordance with this section.

Section 3. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of ~~grade level~~ expansion shall include any improvements to an existing facility or any new facility in which ~~a majority of~~ the students of the high-performing charter school will enroll.



444320

1258 A high-performing charter school shall notify its sponsor in  
1259 writing by March 1 if it intends to increase enrollment or  
1260 expand grade levels the following school year. The written  
1261 notice shall specify the amount of the enrollment increase and  
1262 the grade levels that will be added, as applicable. If a charter  
1263 school notifies the sponsor of its intent to expand, the sponsor  
1264 shall modify the charter within 90 days to include the new  
1265 enrollment maximum and may not make any other changes. The  
1266 sponsor may deny a request to increase the enrollment of a high-  
1267 performing charter school if the commissioner has declassified  
1268 the charter school as high-performing. If a high-performing  
1269 charter school requests to consolidate multiple charters, the  
1270 sponsor shall have 40 days after receipt of that request to  
1271 provide an initial draft charter to the charter school. The  
1272 sponsor and charter school shall have 50 days thereafter to  
1273 negotiate and notice the charter contract for final approval by  
1274 the sponsor.

1275 (3)

1276 (b) A high-performing charter school may submit not  
1277 establish more than two applications for a charter school to be  
1278 opened schools within this the state under paragraph (a) at a  
1279 time determined by the high-performing charter school in any  
1280 year. A subsequent application to establish a charter school  
1281 under paragraph (a) may not be submitted unless each charter  
1282 school applicant commences operations or an application is  
1283 otherwise withdrawn established in this manner achieves high-  
1284 performing charter school status. However, a high-performing  
1285 charter school may establish more than one charter school within  
1286 this the state under paragraph (a) in any year if it operates in



444320

1287 the area of a persistently low-performing school and serves  
1288 students from that school. This paragraph applies to any high-  
1289 performing charter school with an existing approved application.

1290 Section 4. Paragraph (c) of subsection (1), paragraphs (a),  
1291 (g), and (h) of subsection (6), paragraph (d) of subsection (7),  
1292 and paragraph (b) of subsection (10) of section 1002.333,  
1293 Florida Statutes, are amended to read:

1294 1002.333 Persistently low-performing schools.—

1295 (1) DEFINITIONS.—As used in this section, the term:

1296 (c) "Persistently low-performing school" means a school  
1297 that has earned three grades lower than a "C," pursuant to s.  
1298 1008.34, in at least 3 of the previous 5 years that the school  
1299 received a grade and has not earned a grade of "B" or higher in  
1300 the most recent 2 school years, and a school that was closed  
1301 pursuant to s. 1008.33(4) within 2 years after the submission of  
1302 a notice of intent.

1303 (6) STATUTORY AUTHORITY.—

1304 (a) A school of hope or a nonprofit entity that operates  
1305 more than one school of hope through a performance-based  
1306 agreement with a school district may be designated as a local  
1307 education agency by the department, if requested, for the  
1308 purposes of receiving federal funds and, in doing so, accepts  
1309 the full responsibility for all local education agency  
1310 requirements and the schools for which it will perform local  
1311 education agency responsibilities.

1312 1. A nonprofit entity designated as a local education  
1313 agency may report its students to the department in accordance  
1314 with the definitions in s. 1011.61 and pursuant to the  
1315 department's procedures and timelines.



444320

1316           2. Students enrolled in a school established by a hope  
1317 operator designated as a local educational agency are not  
1318 eligible students for purposes of calculating the district grade  
1319 pursuant to s. 1008.34(5).

1320           (g) Each school of hope that has not been designated as a  
1321 local education agency shall report its students to the school  
1322 district as required in s. 1011.62, and in accordance with the  
1323 definitions in s. 1011.61. The school district shall include  
1324 each charter school's enrollment in the district's report of  
1325 student enrollment. All charter schools submitting student  
1326 record information required by the department shall comply with  
1327 the department's guidelines for electronic data formats for such  
1328 data, and all districts shall accept electronic data that  
1329 complies with the department's electronic format.

1330           (h)1. A school of hope shall provide the school district  
1331 with a concise, uniform, quarterly financial statement summary  
1332 sheet that contains a balance sheet and a statement of revenue,  
1333 expenditures, and changes in fund balance. The balance sheet and  
1334 the statement of revenue, expenditures, and changes in fund  
1335 balance shall be in the governmental fund format prescribed by  
1336 the Governmental Accounting Standards Board. Additionally, a  
1337 school of hope shall comply with the annual audit requirement  
1338 for charter schools in s. 218.39.

1339           2. A school of hope is in compliance with subparagraph 1.  
1340 if it is operated by a nonprofit entity designated as a local  
1341 education agency and if the nonprofit submits to each school  
1342 district in which it operates a school of hope:

1343           a. A concise, uniform, quarterly financial statement  
1344 summary sheet that contains a balance sheet summarizing the



444320

1345 revenue, expenditures, and changes in fund balance for the  
1346 entity and for its schools of hope within the school district.

1347 b. An annual financial audit of the nonprofit that includes  
1348 all schools of hope it operates within this state and that  
1349 complies with s. 218.39 regarding audits of a school board.

1350 (7) FACILITIES.—

1351 (d) No later than January ~~October~~ 1, the department ~~each~~  
1352 ~~school district~~ shall annually provide to school districts ~~the~~  
1353 ~~Department of Education~~ a list of all underused, vacant, or  
1354 surplus facilities owned or operated by the school district as  
1355 reported in the Florida Inventory of School Houses. A school  
1356 district may provide evidence to the department that the list  
1357 contains errors or omissions within 30 days after receipt of the  
1358 list. By each April 1, the department shall update and publish a  
1359 final list of all underused, vacant, or surplus facilities owned  
1360 or operated by each school district, based upon updated  
1361 information provided by each school district. A hope operator  
1362 establishing a school of hope may use an educational facility  
1363 identified in this paragraph at no cost or at a mutually  
1364 agreeable cost not to exceed \$600 per student. A hope operator  
1365 using a facility pursuant to this paragraph may not sell or  
1366 dispose of such facility without the written permission of the  
1367 school district. For purposes of this paragraph, the term  
1368 “underused, vacant, or surplus facility” means an entire  
1369 facility or portion thereof which is not fully used or is used  
1370 irregularly or intermittently by the school district for  
1371 instructional or program use.

1372 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
1373 is created within the Department of Education.





444320

1374 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
1375 funds allocated for the purpose of this subsection which are not  
1376 disbursed by June 30 of the fiscal year in which the funds are  
1377 allocated may be carried forward for up to 7 ~~5~~ years after the  
1378 effective date of the original appropriation.

1379 Section 5. Paragraph (d) of subsection (1) of section  
1380 1002.45, Florida Statutes, is amended to read:

1381 1002.45 Virtual instruction programs.—

1382 (1) PROGRAM.—

1383 (d) A virtual charter school may provide full-time or part-  
1384 time virtual instruction for students in kindergarten through  
1385 grade 12 if the virtual charter school has a charter approved  
1386 pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
1387 ~~instruction~~. A virtual charter school may:

1388 1. Contract with the Florida Virtual School.

1389 2. Contract with or be an approved provider under  
1390 subsection (2).

1391 3. Contract with any public school or charter school ~~Enter~~  
1392 ~~into an agreement with a school district~~ to allow the  
1393 participation of the virtual charter school's students in  
1394 courses that the virtual school is unable to provide ~~the school~~  
1395 ~~district's virtual instruction program~~. The agreement must  
1396 indicate a process for reporting of student enrollment and the  
1397 transfer of funds required by paragraph (7) (e).

1398 Section 6. Paragraph (a) of subsection (1) of section  
1399 1003.493, Florida Statutes, is amended to read:

1400 1003.493 Career and professional academies and career-  
1401 themed courses.—

1402 (1) (a) A "career and professional academy" is a research-



1403 based program that integrates a rigorous academic curriculum  
1404 with an industry-specific curriculum aligned directly to  
1405 priority workforce needs established by the local workforce  
1406 development board or the Department of Economic Opportunity.  
1407 Career and professional academies shall be offered by public  
1408 schools and school districts. Career and professional academies  
1409 may be offered by charter schools. The Florida Virtual School is  
1410 encouraged to develop and offer rigorous career and professional  
1411 courses as appropriate. Students completing career and  
1412 professional academy programs must receive a standard high  
1413 school diploma, the highest available industry certification,  
1414 and opportunities to earn postsecondary credit if the academy  
1415 partners with a postsecondary institution approved to operate in  
1416 the state.

1417 Section 7. Present subsection (3) of section 1008.3415,  
1418 Florida Statutes, is redesignated as subsection (4), and a new  
1419 subsection (3) is added to that section, to read:

1420 1008.3415 School grade or school improvement rating for  
1421 exceptional student education centers.—

1422 (3) The Commissioner of Education, upon request by a  
1423 charter school that is an exceptional student education center  
1424 and that has received two consecutive ratings of "maintaining"  
1425 or higher pursuant to s. 1008.341(2), shall provide a letter to  
1426 the charter school and to the charter school's sponsor stating  
1427 that the charter school may replicate its educational program in  
1428 the same manner as a high-performing charter school under s.  
1429 1002.331(3).

1430 Section 8. Subsection (2) of section 1012.32, Florida  
1431 Statutes, is amended to read:



444320

1432 1012.32 Qualifications of personnel.-

1433 (2) (a) Instructional and noninstructional personnel who are  
1434 hired or contracted to fill positions that require direct  
1435 contact with students in any district school system or  
1436 university lab school must, upon employment or engagement to  
1437 provide services, undergo background screening as required under  
1438 s. 1012.465 or s. 1012.56, whichever is applicable.

1439 (b) 1. Instructional and noninstructional personnel who are  
1440 hired or contracted to fill positions in a ~~any~~ charter school  
1441 other than a school of hope as defined in s. 1002.333, and  
1442 members of the governing board of such ~~any~~ charter school, in  
1443 compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,  
1444 engagement of services, or appointment, shall undergo background  
1445 screening as required under s. 1012.465 or s. 1012.56, whichever  
1446 is applicable, by filing with the district school board for the  
1447 school district in which the charter school is located a  
1448 complete set of fingerprints taken by an authorized law  
1449 enforcement agency or an employee of the school or school  
1450 district who is trained to take fingerprints.

1451 2. Instructional and noninstructional personnel who are  
1452 hired or contracted to fill positions in a school of hope as  
1453 defined in s. 1002.333, and members of the governing board of  
1454 such school of hope, shall file with the school of hope a  
1455 complete set of fingerprints taken by an authorized law  
1456 enforcement agency, by an employee of the school of hope or  
1457 school district who is trained to take fingerprints, or by any  
1458 other entity recognized by the Department of Law Enforcement to  
1459 take fingerprints.

1460 (c) Instructional and noninstructional personnel who are



1461 hired or contracted to fill positions that require direct  
1462 contact with students in an alternative school that operates  
1463 under contract with a district school system must, upon  
1464 employment or engagement to provide services, undergo background  
1465 screening as required under s. 1012.465 or s. 1012.56, whichever  
1466 is applicable, by filing with the district school board for the  
1467 school district to which the alternative school is under  
1468 contract a complete set of fingerprints taken by an authorized  
1469 law enforcement agency or an employee of the school or school  
1470 district who is trained to take fingerprints.

1471 (d) Student teachers and persons participating in a field  
1472 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1473 district school system, lab school, or charter school must, upon  
1474 engagement to provide services, undergo background screening as  
1475 required under s. 1012.56.

1476  
1477 Required fingerprints must ~~shall~~ be submitted to the Department  
1478 of Law Enforcement for statewide criminal and juvenile records  
1479 checks and to the Federal Bureau of Investigation for federal  
1480 criminal records checks. A person subject to this subsection who  
1481 is found ineligible for employment under s. 1012.315, or  
1482 otherwise found through background screening to have been  
1483 convicted of any crime involving moral turpitude as defined by  
1484 rule of the State Board of Education, shall not be employed,  
1485 engaged to provide services, or serve in any position that  
1486 requires direct contact with students. Probationary persons  
1487 subject to this subsection terminated because of their criminal  
1488 record have the right to appeal such decisions. The cost of the  
1489 background screening may be borne by the district school board,



444320

1490 the charter school, the employee, the contractor, or a person  
1491 subject to this subsection. A district school board shall  
1492 reimburse a charter school the cost of background screening if  
1493 it does not notify the charter school of the eligibility of a  
1494 governing board member or instructional or noninstructional  
1495 personnel within the earlier of 14 days after receipt of the  
1496 background screening results from the Florida Department of Law  
1497 Enforcement or 30 days of submission of fingerprints by the  
1498 governing board member or instructional or noninstructional  
1499 personnel.

1500 Section 9. Paragraph (a) of subsection (1) of section  
1501 1013.62, Florida Statutes, is amended to read:

1502 1013.62 Charter schools capital outlay funding.-

1503 (1) For the 2020-2021 fiscal year, charter school capital  
1504 outlay funding shall consist of state funds appropriated in the  
1505 2020-2021 General Appropriations Act. Beginning in fiscal year  
1506 2021-2022, charter school capital outlay funding shall consist  
1507 of state funds when such funds are appropriated in the General  
1508 Appropriations Act and revenue resulting from the discretionary  
1509 millage authorized in s. 1011.71(2) if the amount of state funds  
1510 appropriated for charter school capital outlay in any fiscal  
1511 year is less than the average charter school capital outlay  
1512 funds per unweighted full-time equivalent student for the 2018-  
1513 2019 fiscal year, multiplied by the estimated number of charter  
1514 school students for the applicable fiscal year, and adjusted by  
1515 changes in the Consumer Price Index issued by the United States  
1516 Department of Labor from the previous fiscal year. Nothing in  
1517 this subsection prohibits a school district from distributing to  
1518 charter schools funds resulting from the discretionary millage



444320

1519 authorized in s. 1011.71(2).

1520 (a) To be eligible to receive capital outlay funds, a  
1521 charter school must:

1522 1.a. Have been in operation for 2 or more years;

1523 b. Be governed by a governing board established in the  
1524 state for 2 or more years which operates both charter schools  
1525 and conversion charter schools within the state;

1526 c. Be an expanded feeder chain of a charter school within  
1527 the same school district that is currently receiving charter  
1528 school capital outlay funds;

1529 d. Have been accredited by a regional accrediting  
1530 association as defined by State Board of Education rule; ~~or~~

1531 e. Serve students in facilities that are provided by a  
1532 business partner for a charter school-in-the-workplace pursuant  
1533 to s. 1002.33(15) (b); or

1534 f. Be operated by a hope operator pursuant to s. 1002.333.

1535 2. Have an annual audit that does not reveal any of the  
1536 financial emergency conditions provided in s. 218.503(1) for the  
1537 most recent fiscal year for which such audit results are  
1538 available.

1539 3. Have satisfactory student achievement based on state  
1540 accountability standards applicable to the charter school.

1541 4. Have received final approval from its sponsor pursuant  
1542 to s. 1002.33 for operation during that fiscal year.

1543 5. Serve students in facilities that are not provided by  
1544 the charter school's sponsor.

1545 Section 10. If any provision of this act or its application  
1546 to any person or circumstance is held invalid, the invalidity  
1547 does not affect other provisions or applications of the act



444320

1548 which can be given effect without the invalid provision or  
1549 application, and to this end the provisions of this act are  
1550 severable.

1551 Section 11. This act shall take effect July 1, 2021.

1552

1553 ===== T I T L E A M E N D M E N T =====

1554 And the title is amended as follows:

1555 Delete everything before the enacting clause  
1556 and insert:

1557 A bill to be entitled  
1558 An act relating to charter schools; amending s.  
1559 1002.32, F.S.; providing that the limitation on lab  
1560 schools does not apply to a school serving a military  
1561 installation; removing a limitation on lab schools  
1562 receiving a share of the sparsity supplement; amending  
1563 s. 1002.33, F.S.; authorizing state universities and  
1564 Florida College System institutions to solicit  
1565 applications and sponsor charter schools under certain  
1566 circumstances; prohibiting certain charter schools  
1567 from being sponsored by a Florida College System  
1568 institution until such charter school's existing  
1569 charter expires; authorizing a state university or  
1570 Florida College System institution to, at its  
1571 discretion, deny an application for a charter school;  
1572 revising the contents of an annual report that charter  
1573 school sponsors must provide to the Department of  
1574 Education; revising the date by which the department  
1575 must post a specified annual report; revising  
1576 provisions relating to Florida College System



1577 institutions that are operating charter schools;  
1578 requiring the board of trustees of a state university  
1579 or Florida College System institution that is  
1580 sponsoring a charter school to serve as the local  
1581 educational agency for such school; prohibiting  
1582 certain charter school students from being included in  
1583 specified school district grade calculations;  
1584 requiring the department to develop a sponsor  
1585 evaluation framework; providing requirements for the  
1586 framework; requiring the department to compile results  
1587 in a specified manner; deleting obsolete language;  
1588 revising requirements for the charter school  
1589 application process; authorizing certain parties to  
1590 file an action with the Division of Administrative  
1591 Hearings to recover specified fees and costs;  
1592 requiring the State Board of Education to withhold  
1593 state funds from a district school board that is in  
1594 violation of a state board decision on a charter  
1595 school; authorizing parties to appeal without first  
1596 mediating in certain circumstances; providing that  
1597 certain changes to curriculum are deemed approved;  
1598 providing an exception; revising the circumstances in  
1599 which a charter may be immediately terminated;  
1600 providing that certain information must be provided to  
1601 specified entities upon immediate termination of a  
1602 charter; authorizing the of award specified fees and  
1603 costs in certain circumstances; authorizing a sponsor  
1604 to seek an injunction in certain circumstances;  
1605 revising provisions related to sponsor assumption of





1606 operation; revising the student populations for which  
1607 a charter school is authorized to limit the enrollment  
1608 process; providing a calculation for the operational  
1609 funding for a charter school sponsored by a state  
1610 university or Florida College System institution;  
1611 requiring the department to develop a tool for state  
1612 universities and Florida College System institutions  
1613 for specified purposes relating to certain funding  
1614 calculations; providing that such funding must be  
1615 appropriated to the charter school; providing for  
1616 capital outlay funding for such schools; authorizing a  
1617 sponsor to withhold an administrative fee for the  
1618 provision of certain services to an exceptional  
1619 student education center that meets specified  
1620 requirements; conforming provisions to changes made by  
1621 the act; amending s. 1002.331, F.S.; revising a  
1622 limitation on the expansion of high-performing charter  
1623 schools; revising provisions relating to the opening  
1624 of additional high-performing charter schools;  
1625 amending s. 1002.333, F.S.; revising the definition of  
1626 the term "persistently low-performing school";  
1627 providing that certain nonprofit entities may be  
1628 designated as a local education agency; providing that  
1629 certain entities report students to the department in  
1630 a specified manner; specifying reporting provisions  
1631 that apply only to certain schools of hope; providing  
1632 that schools of hope may comply with certain financial  
1633 reporting in a specified manner; revising the manner  
1634 in which underused, vacant, or surplus facilities



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1635 owned or operated by school districts are identified;  
1636 increasing the number of years for which certain funds  
1637 may be carried forward; amending s. 1002.45, F.S.;  
1638 authorizing a virtual charter school to provide part-  
1639 time virtual instruction and be an approved provider;  
1640 authorizing a virtual charter school to contract,  
1641 rather than enter into an agreement, with a public or  
1642 charter school for specified purposes; amending s.  
1643 1003.493, F.S.; authorizing a charter school to offer  
1644 a career and professional academy; amending s.  
1645 1008.3415, F.S.; requiring the Commissioner of  
1646 Education, upon request by a charter school that meets  
1647 specified criteria, to provide a letter to the charter  
1648 school and the charter school's sponsor authorizing  
1649 the charter school to replicate the charter school's  
1650 education program; amending s. 1012.32, F.S.;  
1651 providing an alternate screening method for specified  
1652 persons employed by certain schools of hope or serving  
1653 on certain school of hope governing boards; amending  
1654 s. 1013.62, F.S.; expanding eligibility to receive  
1655 capital outlay funds to schools of hope operated by a  
1656 hope operator; providing for severability; providing  
1657 an effective date.