

1                   A bill to be entitled  
2           An act relating to school choice; amending s. 1002.33,  
3           F.S.; providing technical changes relating to  
4           requirements for the creation of a virtual charter  
5           school; conforming cross-references; revising required  
6           contents of charter school applications; conforming  
7           provisions regarding the appeal process for denial of  
8           a high-performing charter school application;  
9           requiring an applicant to provide the sponsor with a  
10          copy of the appeal; authorizing a charter school to  
11          defer opening; prohibiting a sponsor from requiring  
12          written notice within a specified period; specifying  
13          that the reading curriculum and instructional  
14          strategies in a charter school's charter satisfy the  
15          research-based reading plan requirement and that  
16          charter schools are eligible for the research-based  
17          reading allocation; revising provisions relating to  
18          long-term charters and charter terminations; requiring  
19          a charter school applicant to provide monthly  
20          financial statements before opening; requiring a  
21          sponsor to review charter school financial statements  
22          to identify the existence of certain conditions;  
23          providing for the automatic termination of a charter  
24          if certain conditions are met; requiring a sponsor to  
25          notify certain parties when a charter is terminated  
26          for specific reasons; authorizing governing board

27 | members to participate in public meetings in person or  
28 | through communications media technology; revising  
29 | requirements for payments to charter schools; allowing  
30 | for the use of certain surpluses and assets by  
31 | specific entities for certain educational purposes;  
32 | revising criteria for local educational agency status  
33 | for certain charter school systems; amending s.  
34 | 1002.331, F.S.; providing an exemption from the  
35 | replication limitations for high-performing charter  
36 | school; conforming a cross-reference; deleting  
37 | obsolete provisions; amending s. 1002.37, F.S.;  
38 | conforming a cross-reference; amending s. 1002.45,  
39 | F.S.; conforming a cross-reference; revising  
40 | conditions for termination of a virtual instruction  
41 | provider's contract; repealing s. 1002.455, F.S.,  
42 | relating to student eligibility for K-12 virtual  
43 | instruction; amending s. 1003.498, F.S.; conforming a  
44 | cross-reference; creating s. 1004.650; establishing  
45 | the Florida Institute for Charter School Innovation;  
46 | specifying requirements for the institute; providing  
47 | for the appointment of a director of the institute;  
48 | establishing duties of the director; requiring an  
49 | annual report to the Governor and Legislature and an  
50 | annual financial report to certain entities; amending  
51 | s. 1011.62, F.S.; conforming cross-references;  
52 | amending s. 1011.71, F.S.; providing for the

53 calculation and payment of capital outlay funding to  
54 charter schools; providing that enterprise resource  
55 software may be acquired by certain means; amending s.  
56 1012.56, F.S.; specifying that a charter school may  
57 develop and operate a professional development  
58 certification and education competency program;  
59 amending s. 1013.62, F.S.; revising eligibility  
60 requirements for charter school capital outlay  
61 funding; revising charter school funding allocations;  
62 revising the list of approved uses of charter school  
63 capital outlay funds; providing an appropriation;  
64 providing an effective date.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Subsection (1), paragraphs (a), (b), and (c) of  
69 subsection (6), subsection (7), paragraphs (e), (f), and (g) of  
70 subsection (8), paragraphs (g), (n), and (p) of subsection (9),  
71 subsection (13), paragraphs (b) and (e) of subsection (17),  
72 paragraph (a) of subsection (21), and subsection (25) of section  
73 1002.33, Florida Statutes, are amended, and paragraph (h) is  
74 added to subsection (8) of that section, to read:

75 1002.33 Charter schools.—

76 (1) AUTHORIZATION.—Charter schools shall be part of the  
77 state's program of public education. All charter schools in  
78 Florida are public schools. A charter school may be formed by

79 creating a new school or converting an existing public school to  
 80 charter status. A charter school may operate a virtual charter  
 81 school pursuant to s. 1002.45(1)(d) to provide full-time online  
 82 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in  
 83 kindergarten through grade 12. An existing ~~A~~ charter school that  
 84 is seeking to become a virtual charter school must amend its  
 85 charter or submit a new application pursuant to subsection (6)  
 86 to become a virtual charter school. A virtual charter school is  
 87 subject to the requirements of this section; however, a virtual  
 88 charter school is exempt from subsections (18) and (19),  
 89 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and  
 90 s. 1003.03. A public school may not use the term charter in its  
 91 name unless it has been approved under this section.

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

94 (a) A person or entity seeking ~~wishing~~ to open a charter  
 95 school shall prepare and submit an application on a model  
 96 application form prepared by the Department of Education which:

97 1. Demonstrates how the school will use the guiding  
 98 principles and meet the statutorily defined purpose of a charter  
 99 school.

100 2. Provides a detailed curriculum plan that illustrates  
 101 how students will be provided services to attain the Sunshine  
 102 State Standards.

103 3. Contains goals and objectives for improving student  
 104 learning and measuring that improvement. These goals and

105 objectives must indicate how much academic improvement students  
 106 are expected to show each year, how success will be evaluated,  
 107 and the specific results to be attained through instruction.

108 4. Describes the reading curriculum and differentiated  
 109 strategies that will be used for students reading at grade level  
 110 or higher and a separate curriculum and strategies for students  
 111 who are reading below grade level. A sponsor shall deny an  
 112 application ~~a charter~~ if the school does not propose a reading  
 113 curriculum that is consistent with effective teaching strategies  
 114 that are grounded in scientifically based reading research;  
 115 however, a sponsor may not require the school to implement the  
 116 reading curriculum adopted by the school district.

117 5. Contains an annual financial plan for each year  
 118 requested by the charter for operation of the school for up to 5  
 119 years. This plan must contain anticipated fund balances based on  
 120 revenue projections, a spending plan based on projected revenues  
 121 and expenses, and a description of controls that will safeguard  
 122 finances and projected enrollment trends.

123 6. Discloses the name of each applicant, governing board  
 124 member, and proposed management company, if any; the name and  
 125 sponsor of any charter school currently or previously operated  
 126 by each applicant, each governing board member, and the proposed  
 127 management company; and the academic and financial history of  
 128 such charter schools, which the sponsor shall consider in  
 129 deciding whether to approve or deny the application.

130 ~~7.6.~~ Contains additional information a sponsor may

131 require, which shall be attached as an addendum to the charter  
132 school application described in this paragraph.

133 ~~8.7.~~ For the establishment of a virtual charter school,  
134 documents that the applicant has contracted with a provider of  
135 virtual instruction services pursuant to s. 1002.45(1)(d).

136 (b) A sponsor shall receive and review all applications  
137 for a charter school using the ~~an~~ evaluation instrument  
138 developed by the Department of Education. A sponsor shall  
139 receive and consider charter school applications received on or  
140 before August 1 of each calendar year for charter schools to be  
141 opened at the beginning of the school district's next school  
142 year, or to be opened at a time agreed to by the applicant and  
143 the sponsor. A sponsor may not refuse to receive a charter  
144 school application submitted before August 1 and may receive an  
145 application submitted later than August 1 if it chooses. In  
146 order to facilitate greater collaboration in the application  
147 process, an applicant may submit a draft charter school  
148 application on or before May 1 with an application fee of \$500.  
149 If a draft application is timely submitted, the sponsor shall  
150 review and provide feedback as to material deficiencies in the  
151 application by July 1. The applicant shall then have until  
152 August 1 to resubmit a revised and final application. The  
153 sponsor may approve the draft application. Except as provided  
154 for a draft application, a sponsor may not charge an applicant  
155 for a charter any fee for the processing or consideration of an  
156 application, and a sponsor may not base its consideration or

157 approval of a final application upon the promise of future  
158 payment of any kind. Before approving or denying any final  
159 application, the sponsor shall allow the applicant, upon receipt  
160 of written notification, at least 7 calendar days to make  
161 technical or nonsubstantive corrections and clarifications,  
162 including, but not limited to, corrections of grammatical,  
163 typographical, and like errors or missing signatures, if such  
164 errors are identified by the sponsor as cause to deny the final  
165 application.

166 1. In order to facilitate an accurate budget projection  
167 process, a sponsor shall be held harmless for FTE students who  
168 are not included in the FTE projection due to approval of  
169 charter school applications after the FTE projection deadline.  
170 In a further effort to facilitate an accurate budget projection,  
171 within 15 calendar days after receipt of a charter school  
172 application, a sponsor shall report to the Department of  
173 Education the name of the applicant entity, the proposed charter  
174 school location, and its projected FTE.

175 2. In order to ensure fiscal responsibility, an  
176 application for a charter school shall include a full accounting  
177 of expected assets, a projection of expected sources and amounts  
178 of income, including income derived from projected student  
179 enrollments and from community support, and an expense  
180 projection that includes full accounting of the costs of  
181 operation, including start-up costs.

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

183 application no later than 60 calendar days after the application  
184 is received, unless the sponsor and the applicant mutually agree  
185 in writing to temporarily postpone the vote to a specific date,  
186 at which time the sponsor shall by a majority vote approve or  
187 deny the application. If the sponsor fails to act on the  
188 application, an applicant may appeal to the State Board of  
189 Education as provided in paragraph (c). If an application is  
190 denied, the sponsor shall, within 10 calendar days after such  
191 denial, articulate in writing the specific reasons, based upon  
192 good cause, supporting its denial of the ~~charter~~ application and  
193 shall provide the letter of denial and supporting documentation  
194 to the applicant and to the Department of Education.

195 b. An application submitted by a high-performing charter  
196 school identified pursuant to s. 1002.331 may be denied by the  
197 sponsor only if the sponsor demonstrates by clear and convincing  
198 evidence that:

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

201 (II) The charter school proposed in the application does  
202 not materially comply with the requirements in paragraphs  
203 (9) (a) - (f);

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

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



209 during the application process; or

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

213  
214 Material noncompliance is a failure to follow requirements or a  
215 violation of prohibitions applicable to charter school  
216 applications, which failure is quantitatively or qualitatively  
217 significant either individually or when aggregated with other  
218 noncompliance. An applicant is considered to be replicating a  
219 high-performing charter school if the proposed school is  
220 substantially similar to at least one of the applicant's high-  
221 performing charter schools and the organization or individuals  
222 involved in the establishment and operation of the proposed  
223 school are significantly involved in the operation of replicated  
224 schools.

225 c. If the sponsor denies an application submitted by a  
226 high-performing charter school, the sponsor must, within 10  
227 calendar days after such denial, state in writing the specific  
228 reasons, based upon the criteria in sub-subparagraph b.,  
229 supporting its denial of the application and must provide the  
230 letter of denial and supporting documentation to the applicant  
231 and to the Department of Education. The applicant may appeal the  
232 sponsor's denial of the application directly to the State Board  
233 of Education pursuant to paragraph (c). If an applicant files an  
234 appeal, the applicant must provide the sponsor with a copy of

235 the appeal ~~sub-subparagraph (c)3.b.~~

236 4. For budget projection purposes, the sponsor shall  
237 report to the Department of Education the approval or denial of  
238 an a-charter application within 10 calendar days after such  
239 approval or denial. In the event of approval, the report to the  
240 Department of Education shall include the final projected FTE  
241 for the approved charter school.

242 5. Upon approval of an a-charter application, the initial  
243 startup shall commence with the beginning of the public school  
244 calendar for the district in which the charter is granted. A  
245 charter school, at the school's option, may notify the sponsor  
246 of its intent to defer the opening of the school's operations  
247 for up to 2 years to provide time for adequate facility  
248 planning. The sponsor may not require the charter school to  
249 provide written notice of such intent earlier than 15 calendar  
250 days before the first day of school unless the sponsor allows a  
251 waiver of this subparagraph for good cause.

252 (c)1. An applicant may appeal any denial of that  
253 applicant's application or failure to act on an application to  
254 the State Board of Education no later than 30 calendar days  
255 after receipt of the sponsor's decision or failure to act and  
256 shall notify the sponsor of its appeal. Any response of the  
257 sponsor shall be submitted to the State Board of Education  
258 within 30 calendar days after notification of the appeal. Upon  
259 receipt of notification from the State Board of Education that a  
260 charter school applicant is filing an appeal, the Commissioner

261 of Education shall convene a meeting of the Charter School  
262 Appeal Commission to study and make recommendations to the State  
263 Board of Education regarding its pending decision about the  
264 appeal. The commission shall forward its recommendation to the  
265 state board at least 7 calendar days before the date on which  
266 the appeal is to be heard. An appeal regarding the denial of an  
267 application submitted by a high-performing charter school  
268 pursuant to s. 1002.331 shall be conducted by the State Board of  
269 Education in accordance with this paragraph, except that the  
270 commission shall not convene to make recommendations regarding  
271 the appeal. However, the Commissioner of Education shall review  
272 the appeal and make a recommendation to the state board.

273 2. The Charter School Appeal Commission or, in the case of  
274 an appeal regarding an application submitted by a high-  
275 performing charter school, the State Board of Education may  
276 reject an appeal submission for failure to comply with  
277 procedural rules governing the appeals process. The rejection  
278 shall describe the submission errors. The appellant shall have  
279 15 calendar days after notice of rejection in which to resubmit  
280 an appeal that meets the requirements set forth in State Board  
281 of Education rule. An appeal submitted subsequent to such  
282 rejection is considered timely if the original appeal was filed  
283 within 30 calendar days after receipt of notice of the specific  
284 reasons for the sponsor's denial of the ~~charter~~ application.

285 3.a. The State Board of Education shall by majority vote  
286 accept or reject the decision of the sponsor no later than 90

287 calendar days after an appeal is filed in accordance with State  
 288 Board of Education rule. The State Board of Education shall  
 289 remand the application to the sponsor with its written decision  
 290 that the sponsor approve or deny the application. The sponsor  
 291 shall implement the decision of the State Board of Education.  
 292 The decision of the State Board of Education is not subject to  
 293 the provisions of the Administrative Procedure Act, chapter 120.

294 b. If an appeal concerns an application submitted by a  
 295 high-performing charter school identified pursuant to s.  
 296 1002.331, the State Board of Education shall determine whether  
 297 the sponsor's denial of the application complies with the  
 298 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~  
 299 ~~clear and convincing evidence, that:~~

300 ~~(I) The application does not materially comply with the~~  
 301 ~~requirements in paragraph (a);~~

302 ~~(II) The charter school proposed in the application does~~  
 303 ~~not materially comply with the requirements in paragraphs~~  
 304 ~~(9)(a)-(f);~~

305 ~~(III) The proposed charter school's educational program~~  
 306 ~~does not substantially replicate that of the applicant or one of~~  
 307 ~~the applicant's high-performing charter schools;~~

308 ~~(IV) The applicant has made a material misrepresentation~~  
 309 ~~or false statement or concealed an essential or material fact~~  
 310 ~~during the application process; or~~

311 ~~(V) The proposed charter school's educational program and~~  
 312 ~~financial management practices do not materially comply with the~~

313 ~~requirements of this section.~~

314

315 The State Board of Education shall approve or reject the  
316 sponsor's denial of an application no later than 90 calendar  
317 days after an appeal is filed in accordance with State Board of  
318 Education rule. The State Board of Education shall remand the  
319 application to the sponsor with its written decision that the  
320 sponsor approve or deny the application. The sponsor shall  
321 implement the decision of the State Board of Education. The  
322 decision of the State Board of Education is not subject to the  
323 Administrative Procedure Act, chapter 120.

324 (7) CHARTER.—The major issues involving the operation of a  
325 charter school shall be considered in advance and written into  
326 the charter. The charter shall be signed by the governing board  
327 of the charter school and the sponsor, following a public  
328 hearing to ensure community input.

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

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

333 2. The focus of the curriculum, the instructional methods  
334 to be used, any distinctive instructional techniques to be  
335 employed, and identification and acquisition of appropriate  
336 technologies needed to improve educational and administrative  
337 performance which include a means for promoting safe, ethical,  
338 and appropriate uses of technology which comply with legal and

339 professional standards.

340 a. The charter shall ensure that reading is a primary  
341 focus of the curriculum and that resources are provided to  
342 identify and provide specialized instruction for students who  
343 are reading below grade level. The curriculum and instructional  
344 strategies for reading must be consistent with the Next  
345 Generation Sunshine State Standards and grounded in  
346 scientifically based reading research. For purposes of  
347 determining eligibility for the research-based reading  
348 instruction allocation, the reading curriculum and instructional  
349 strategies specified in the charter satisfy the research-based  
350 reading plan requirement under s. 1011.62(9).

351 b. In order to provide students with access to diverse  
352 instructional delivery models, to facilitate the integration of  
353 technology within traditional classroom instruction, and to  
354 provide students with the skills they need to compete in the  
355 21st century economy, the Legislature encourages instructional  
356 methods for blended learning courses consisting of both  
357 traditional classroom and online instructional techniques.  
358 Charter schools may implement blended learning courses which  
359 combine traditional classroom instruction and virtual  
360 instruction. Students in a blended learning course must be full-  
361 time students of the charter school and receive the online  
362 instruction in a classroom setting at the charter school.  
363 Instructional personnel certified pursuant to s. 1012.55 who  
364 provide virtual instruction for blended learning courses may be

365 employees of the charter school or may be under contract to  
366 provide instructional services to charter school students. At a  
367 minimum, such instructional personnel must hold an active state  
368 or school district adjunct certification under s. 1012.57 for  
369 the subject area of the blended learning course. The funding and  
370 performance accountability requirements for blended learning  
371 courses are the same as those for traditional courses.

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

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

378 b. How these baseline rates will be compared to rates of  
379 academic progress achieved by these same students while  
380 attending the charter school.

381 c. To the extent possible, how these rates of progress  
382 will be evaluated and compared with rates of progress of other  
383 closely comparable student populations.

384

385 The district school board is required to provide academic  
386 student performance data to charter schools for each of their  
387 students coming from the district school system, as well as  
388 rates of academic progress of comparable student populations in  
389 the district school system.

390 4. The methods used to identify the educational strengths

391 and needs of students and how well educational goals and  
392 performance standards are met by students attending the charter  
393 school. The methods shall provide a means for the charter school  
394 to ensure accountability to its constituents by analyzing  
395 student performance data and by evaluating the effectiveness and  
396 efficiency of its major educational programs. Students in  
397 charter schools shall, at a minimum, participate in the  
398 statewide assessment program created under s. 1008.22.

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

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

404 7. The admissions procedures and dismissal procedures,  
405 including the school's code of student conduct.

406 8. The ways by which the school will achieve a  
407 racial/ethnic balance reflective of the community it serves or  
408 within the racial/ethnic range of other public schools in the  
409 same school district.

410 9. The financial and administrative management of the  
411 school, including a reasonable demonstration of the professional  
412 experience or competence of those individuals or organizations  
413 applying to operate the charter school or those hired or  
414 retained to perform such professional services and the  
415 description of clearly delineated responsibilities and the  
416 policies and practices needed to effectively manage the charter



417 school. A description of internal audit procedures and  
418 establishment of controls to ensure that financial resources are  
419 properly managed must be included. Both public sector and  
420 private sector professional experience shall be equally valid in  
421 such a consideration.

422 10. The asset and liability projections required in the  
423 application which are incorporated into the charter and shall be  
424 compared with information provided in the annual report of the  
425 charter school.

426 11. A description of procedures that identify various  
427 risks and provide for a comprehensive approach to reduce the  
428 impact of losses; plans to ensure the safety and security of  
429 students and staff; plans to identify, minimize, and protect  
430 others from violent or disruptive student behavior; and the  
431 manner in which the school will be insured, including whether or  
432 not the school will be required to have liability insurance,  
433 and, if so, the terms and conditions thereof and the amounts of  
434 coverage.

435 ~~12. The term of the charter which shall provide for~~  
436 ~~cancellation of the charter if insufficient progress has been~~  
437 ~~made in attaining the student achievement objectives of the~~  
438 ~~charter and if it is not likely that such objectives can be~~  
439 ~~achieved before expiration of the charter.~~ The initial term of  
440 the a charter is either shall be for 4 or 5 years. In order to  
441 ~~facilitate access to long-term financial resources for charter~~  
442 ~~school construction,~~ Charter schools that are operated by a

443 municipality or other public entity, as provided by law, or a  
444 private, not-for-profit, s. 501(c)(3) status corporation are  
445 eligible for up to a 15-year charter, subject to approval by the  
446 district school board. A charter lab school is also eligible for  
447 a charter for a term of up to 15 years. ~~In addition, to~~  
448 ~~facilitate access to long-term financial resources for charter~~  
449 ~~school construction, charter schools that are operated by a~~  
450 ~~private, not-for-profit, s. 501(c)(3) status corporation~~ are  
451 eligible for up to a 15-year charter, subject to approval by the  
452 ~~district school board~~. Such long-term charters remain subject to  
453 annual review and may be terminated during the term of the  
454 charter, but only according to ~~the provisions set forth in~~  
455 subsection (8) or paragraph (9) (n).

456 13. Termination or nonrenewal of the charter pursuant to  
457 subsection (8) or paragraph (9) (n).

458 ~~14.13.~~ The facilities to be used and their location. The  
459 sponsor may not require a charter school to have a certificate  
460 of occupancy or a temporary certificate of occupancy for such a  
461 facility earlier than 15 calendar days before the first day of  
462 school.

463 ~~15.14.~~ The qualifications to be required of the teachers  
464 and the potential strategies used to recruit, hire, train, and  
465 retain qualified staff to achieve best value.

466 ~~16.15.~~ The governance structure of the school, including  
467 the status of the charter school as a public or private employer  
468 as required in paragraph (12) (i).

469        ~~17.16.~~ A timetable for implementing the charter which  
470 addresses the implementation of each element thereof and the  
471 date by which the charter shall be awarded in order to meet this  
472 timetable.

473        ~~18.17.~~ In the case of an existing public school that is  
474 being converted to charter status, alternative arrangements for  
475 current students who choose not to attend the charter school and  
476 for current teachers who choose not to teach in the charter  
477 school after conversion in accordance with the existing  
478 collective bargaining agreement or district school board rule in  
479 the absence of a collective bargaining agreement. However,  
480 alternative arrangements shall not be required for current  
481 teachers who choose not to teach in a charter lab school, except  
482 as authorized by the employment policies of the state university  
483 which grants the charter to the lab school.

484        ~~19.18.~~ Full disclosure of the identity of all relatives  
485 employed by the charter school who are related to the charter  
486 school owner, president, chairperson of the governing board of  
487 directors, superintendent, governing board member, principal,  
488 assistant principal, or any other person employed by the charter  
489 school who has equivalent decisionmaking authority. For the  
490 purpose of this subparagraph, the term "relative" means father,  
491 mother, son, daughter, brother, sister, uncle, aunt, first  
492 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
493 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
494 stepfather, stepmother, stepson, stepdaughter, stepbrother,

495 stepsister, half brother, or half sister.

496 20.19. Implementation of the activities authorized under  
497 s. 1002.331 by the charter school when it satisfies the  
498 eligibility requirements for a high-performing charter school. A  
499 high-performing charter school shall notify its sponsor in  
500 writing by March 1 if it intends to increase enrollment or  
501 expand grade levels the following school year. The written  
502 notice shall specify the amount of the enrollment increase and  
503 the grade levels that will be added, as applicable.

504 (b)1. A charter may be renewed provided that a program  
505 review demonstrates that the criteria in paragraph (a) have been  
506 successfully accomplished and that none of the grounds for  
507 nonrenewal established by paragraph (8) (a) has been documented.  
508 ~~In order to facilitate long-term financing for charter school~~  
509 ~~construction,~~ Charter schools operating for a minimum of 3 years  
510 and demonstrating exemplary academic programming and fiscal  
511 management are eligible for a 15-year charter renewal. Such  
512 long-term charter is subject to annual review and may be  
513 terminated during the term of the charter.

514 2. The 15-year charter renewal that may be granted  
515 pursuant to subparagraph 1. shall be granted to a charter school  
516 that has received a school grade of "A" or "B" pursuant to s.  
517 1008.34 in 3 of the past 4 years and is not in a state of  
518 financial emergency or deficit position as defined by this  
519 section. Such long-term charter is subject to annual review and  
520 may be terminated during the term of the charter pursuant to

521 subsection (8).

522 (c) A charter may be modified during its initial term or  
523 any renewal term upon the recommendation of the sponsor or the  
524 charter school's governing board and the approval of both  
525 parties to the agreement. Modification may include, but is not  
526 limited to, consolidation of multiple charters into a single  
527 charter if the charters are operated under the same governing  
528 board and physically located on the same campus, regardless of  
529 the renewal cycle.

530 ~~(d)1. Each charter school's governing board must appoint a~~  
531 ~~representative to facilitate parental involvement, provide~~  
532 ~~access to information, assist parents and others with questions~~  
533 ~~and concerns, and resolve disputes. The representative must~~  
534 ~~reside in the school district in which the charter school is~~  
535 ~~located and may be a governing board member, charter school~~  
536 ~~employee, or individual contracted to represent the governing~~  
537 ~~board. If the governing board oversees multiple charter schools~~  
538 ~~in the same school district, the governing board must appoint a~~  
539 ~~separate individual representative for each charter school in~~  
540 ~~the district. The representative's contact information must be~~  
541 ~~provided annually in writing to parents and posted prominently~~  
542 ~~on the charter school's website if a website is maintained by~~  
543 ~~the school. The sponsor may not require that governing board~~  
544 ~~members reside in the school district in which the charter~~  
545 ~~school is located if the charter school complies with this~~  
546 ~~paragraph.~~

547       ~~2. Each charter school's governing board must hold at~~  
548 ~~least two public meetings per school year in the school~~  
549 ~~district. The meetings must be noticed, open, and accessible to~~  
550 ~~the public, and attendees must be provided an opportunity to~~  
551 ~~receive information and provide input regarding the charter~~  
552 ~~school's operations. The appointed representative and charter~~  
553 ~~school principal or director, or his or her equivalent, must be~~  
554 ~~physically present at each meeting.~~

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

556       (e) When a charter is not renewed or is terminated, or a  
557 charter school is closed voluntarily by the operator, the school  
558 shall be dissolved under the provisions of law under which the  
559 school was organized, and any unencumbered public funds, except  
560 for capital outlay funds and federal charter school program  
561 grant funds, from the charter school shall revert to the  
562 sponsor. Capital outlay funds provided pursuant to s. 1013.62  
563 and federal charter school program grant funds that are  
564 unencumbered shall revert to the department to be redistributed  
565 among eligible charter schools. In the event a charter school is  
566 dissolved or is otherwise terminated, all district school board  
567 property and improvements, furnishings, and equipment purchased  
568 with public funds shall automatically revert to full ownership  
569 by the district school board, subject to complete satisfaction  
570 of any lawful liens or encumbrances. Any unencumbered public  
571 funds from the charter school, district school board property  
572 and improvements, furnishings, and equipment purchased with

573 public funds, or financial or other records pertaining to the  
574 charter school, in the possession of any person, entity, or  
575 holding company, other than the charter school, shall be held in  
576 trust upon the district school board's request, until any appeal  
577 status is resolved.

578 (f) If a charter is not renewed or is terminated, or a  
579 charter school is closed voluntarily by the operator, the  
580 charter school is responsible for all debts of the charter  
581 school. The district may not assume the debt from any contract  
582 made between the governing body of the school and a third party,  
583 except for a debt that is previously detailed and agreed upon in  
584 writing by both the district and the governing body of the  
585 school and that may not reasonably be assumed to have been  
586 satisfied by the district.

587 (g) If a charter is not renewed or is terminated, or a  
588 charter school is closed voluntarily by the operator, a student  
589 who attended the school may apply to, and shall be enrolled in,  
590 another public school. Normal application deadlines shall be  
591 disregarded under such circumstances.

592 (h) The governing board of a charter school that closes  
593 voluntarily shall notify the sponsor and the department in  
594 writing within 7 calendar days of its decision to cease  
595 operations. The notice shall state the reasons for the closure  
596 and acknowledge that the governing board agrees to follow the  
597 procedures for dissolution and reversion of public funds  
598 pursuant to this subsection and paragraph (9) (o).

599 (9) CHARTER SCHOOL REQUIREMENTS.—

600 (g)1. In order to provide financial information that is  
 601 comparable to that reported for other public schools, charter  
 602 schools are to maintain all financial records that constitute  
 603 their accounting system:

604 a. In accordance with the accounts and codes prescribed in  
 605 the most recent issuance of the publication titled "Financial  
 606 and Program Cost Accounting and Reporting for Florida Schools";  
 607 or

608 b. At the discretion of the charter school's governing  
 609 board, a charter school may elect to follow generally accepted  
 610 accounting standards for not-for-profit organizations, but must  
 611 reformat this information for reporting according to this  
 612 paragraph.

613 2. Charter schools shall provide annual financial report  
 614 and program cost report information in the state-required  
 615 formats for inclusion in district reporting in compliance with  
 616 s. 1011.60(1). Charter schools that are operated by a  
 617 municipality or are a component unit of a parent nonprofit  
 618 organization may use the accounting system of the municipality  
 619 or the parent but must reformat this information for reporting  
 620 according to this paragraph.

621 3. A charter school shall, upon approval of the contract,  
 622 provide the sponsor with a concise, uniform, monthly financial  
 623 statement summary sheet that contains a balance sheet and a  
 624 statement of revenue, expenditures, and changes in fund balance.



625 The balance sheet and the statement of revenue, expenditures,  
626 and changes in fund balance shall be in the governmental funds  
627 format prescribed by the Governmental Accounting Standards  
628 Board. A high-performing charter school pursuant to s. 1002.331  
629 may provide a quarterly financial statement in the same format  
630 and requirements as the uniform monthly financial statement  
631 summary sheet. The sponsor shall review each monthly or  
632 quarterly financial statement to identify the existence of any  
633 conditions identified in s. 1002.345(1)(a).

634 4. A charter school shall maintain and provide financial  
635 information as required in this paragraph. The financial  
636 statement required in subparagraph 3. must be in a form  
637 prescribed by the Department of Education.

638 (n)1. The director and a representative of the governing  
639 board of a charter school that has earned a grade of "D" or "F"  
640 pursuant to s. 1008.34 shall appear before the sponsor to  
641 present information concerning each contract component having  
642 noted deficiencies. The director and a representative of the  
643 governing board shall submit to the sponsor for approval a  
644 school improvement plan to raise student performance. Upon  
645 approval by the sponsor, the charter school shall begin  
646 implementation of the school improvement plan. The department  
647 shall offer technical assistance and training to the charter  
648 school and its governing board and establish guidelines for  
649 developing, submitting, and approving such plans.

650 2.a. If a charter school earns three consecutive grades of

651 "D," two consecutive grades of "D" followed by a grade of "F,"  
652 or two nonconsecutive grades of "F" within a 3-year period, the  
653 charter school governing board shall choose one of the following  
654 corrective actions:

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

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

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

662 (IV) Voluntarily close the charter school.

663 b. The charter school must implement the corrective action  
664 in the school year following receipt of a third consecutive  
665 grade of "D," a grade of "F" following two consecutive grades of  
666 "D," or a second nonconsecutive grade of "F" within a 3-year  
667 period.

668 c. The sponsor may annually waive a corrective action if  
669 it determines that the charter school is likely to improve a  
670 letter grade if additional time is provided to implement the  
671 intervention and support strategies prescribed by the school  
672 improvement plan. Notwithstanding this sub-subparagraph, a  
673 charter school that earns a second consecutive grade of "F" is  
674 subject to subparagraph 4.

675 d. A charter school is no longer required to implement a  
676 corrective action if it improves by at least one letter grade.

677 However, the charter school must continue to implement  
678 strategies identified in the school improvement plan. The  
679 sponsor must annually review implementation of the school  
680 improvement plan to monitor the school's continued improvement  
681 pursuant to subparagraph 5.

682 e. A charter school implementing a corrective action that  
683 does not improve by at least one letter grade after 2 full  
684 school years of implementing the corrective action must select a  
685 different corrective action. Implementation of the new  
686 corrective action must begin in the school year following the  
687 implementation period of the existing corrective action, unless  
688 the sponsor determines that the charter school is likely to  
689 improve a letter grade if additional time is provided to  
690 implement the existing corrective action. Notwithstanding this  
691 sub-subparagraph, a charter school that earns a second  
692 consecutive grade of "F" while implementing a corrective action  
693 is subject to subparagraph 4.

694 3. A charter school with a grade of "D" or "F" that  
695 improves by at least one letter grade must continue to implement  
696 the strategies identified in the school improvement plan. The  
697 sponsor must annually review implementation of the school  
698 improvement plan to monitor the school's continued improvement  
699 pursuant to subparagraph 5.

700 4. A charter school's charter is automatically terminated  
701 if the school earns two consecutive grades of "F" after all  
702 school grade appeals are final ~~The sponsor shall terminate a~~

703 ~~charter if the charter school earns two consecutive grades of~~  
704 ~~"F"~~ unless:

705 a. The charter school is established to turn around the  
706 performance of a district public school pursuant to s.

707 1008.33(4)(b)3. Such charter schools shall be governed by s.  
708 1008.33;

709 b. The charter school serves a student population the  
710 majority of which resides in a school zone served by a district  
711 public school that earned a grade of "F" in the year before the  
712 charter school opened and the charter school earns at least a  
713 grade of "D" in its third year of operation. The exception  
714 provided under this sub-subparagraph does not apply to a charter  
715 school in its fourth year of operation and thereafter; or

716 c. The state board grants the charter school a waiver of  
717 termination. The charter school must request the waiver within  
718 15 days after the department's official release of school  
719 grades. The state board may waive termination if the charter  
720 school demonstrates that the Learning Gains of its students on  
721 statewide assessments are comparable to or better than the  
722 Learning Gains of similarly situated students enrolled in nearby  
723 district public schools. The waiver is valid for 1 year and may  
724 only be granted once. Charter schools that have been in  
725 operation for more than 5 years are not eligible for a waiver  
726 under this sub-subparagraph.

727  
728 The sponsor shall notify the charter school's governing board,

729 the charter school principal, and the department in writing when  
730 a charter is terminated under this subparagraph. A charter  
731 terminated under this subparagraph is governed by the  
732 requirements of paragraphs (8) (e)-(g) and (9) (o).

733 5. The director and a representative of the governing  
734 board of a graded charter school that has implemented a school  
735 improvement plan under this paragraph shall appear before the  
736 sponsor at least once a year to present information regarding  
737 the progress of intervention and support strategies implemented  
738 by the school pursuant to the school improvement plan and  
739 corrective actions, if applicable. The sponsor shall communicate  
740 at the meeting, and in writing to the director, the services  
741 provided to the school to help the school address its  
742 deficiencies.

743 6. Notwithstanding any provision of this paragraph except  
744 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter  
745 at any time pursuant to subsection (8).

746 (p)1. Each charter school shall maintain a website that  
747 enables the public to obtain information regarding the school;  
748 the school's academic performance; the names of the governing  
749 board members; the programs at the school; any management  
750 companies, service providers, or education management  
751 corporations associated with the school; the school's annual  
752 budget and its annual independent fiscal audit; the school's  
753 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
754 minutes of governing board meetings.

755       2. Each charter school's governing board must appoint a  
756 representative to facilitate parental involvement, provide  
757 access to information, assist parents and others with questions  
758 and concerns, and resolve disputes. The representative must  
759 reside in the school district in which the charter school is  
760 located and may be a governing board member, a charter school  
761 employee, or an individual contracted to represent the governing  
762 board. If the governing board oversees multiple charter schools  
763 in the same school district, the governing board must appoint a  
764 separate representative for each charter school in the district.  
765 The representative's contact information must be provided  
766 annually, in writing to parents and posted prominently on the  
767 charter school's website. The sponsor may not require governing  
768 board members to reside in the school district in which the  
769 charter school is located if the charter school complies with  
770 this subparagraph.

771       3. Each charter school's governing board must hold at  
772 least two public meetings per school year in the school district  
773 where the charter school is located. The meetings must be  
774 noticed, open, and accessible to the public, and attendees must  
775 be provided an opportunity to receive information and provide  
776 input regarding the charter school's operations. The appointed  
777 representative and charter school principal or director, or his  
778 or her designee, must be physically present at each meeting.  
779 Members of the governing board may attend in person or by means  
780 of communications media technology used in accordance with rules

781 adopted by the Administration Commission under s. 120.54(5).

782 (13) CHARTER SCHOOL COOPERATIVES.— Charter schools may  
783 enter into cooperative agreements to form charter school  
784 cooperative organizations that may provide ~~the following~~  
785 services to further educational, operational, and administrative  
786 initiatives in which the participating charter schools share  
787 common interests: ~~charter school planning and development,~~  
788 ~~direct instructional services, and contracts with charter school~~  
789 ~~governing boards to provide personnel administrative services,~~  
790 ~~payroll services, human resource management, evaluation and~~  
791 ~~assessment services, teacher preparation, and professional~~  
792 ~~development.~~

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

798 (b) The basis for the agreement for funding students  
799 enrolled in a charter school shall be the sum of the school  
800 district's operating funds from the Florida Education Finance  
801 Program as provided in s. 1011.62 and the General Appropriations  
802 Act, including gross state and local funds, discretionary  
803 lottery funds, and funds from the school district's current  
804 operating discretionary millage levy; divided by total funded  
805 weighted full-time equivalent students in the school district;  
806 multiplied by the weighted full-time equivalent students for the

807 charter school. Charter schools whose students or programs meet  
808 the eligibility criteria in law are entitled to their  
809 proportionate share of categorical program funds included in the  
810 total funds available in the Florida Education Finance Program  
811 by the Legislature, including transportation, the research-based  
812 reading allocation, and the Florida digital classrooms  
813 allocation. Total funding for each charter school shall be  
814 recalculated during the year to reflect the revised calculations  
815 under the Florida Education Finance Program by the state and the  
816 actual weighted full-time equivalent students reported by the  
817 charter school during the full-time equivalent student survey  
818 periods designated by the Commissioner of Education. Any  
819 unrestricted surplus or unrestricted net assets identified in  
820 the charter school's annual audit may be used for educational  
821 purposes by a not-for-profit or municipal entity organizing or  
822 operating the charter school in accordance with the applicable  
823 provisions of chapter 617, if the entity is a not-for-profit  
824 organization, or the applicable provisions of Title XII, if the  
825 entity is a municipality.

826 (e) District school boards shall make timely and efficient  
827 payment and reimbursement to charter schools, including  
828 processing paperwork required to access special state and  
829 federal funding for which they may be eligible. The district  
830 school board may distribute funds to a charter school for up to  
831 3 months based on the projected full-time equivalent student  
832 membership of the charter school. Thereafter, the results of



833 full-time equivalent student membership surveys shall be used in  
834 adjusting the amount of funds distributed monthly to the charter  
835 school for the remainder of the fiscal year. The payment shall  
836 be issued no later than 10 working days after the district  
837 school board receives a distribution of state or federal funds.  
838 If a warrant for payment is not issued within 10 working days  
839 after receipt of funding by the district school board, the  
840 school district shall pay to the charter school, in addition to  
841 the amount of the scheduled disbursement, interest at a rate of  
842 1 percent per month calculated on a daily basis on the unpaid  
843 balance from the expiration of the 10 working days until such  
844 time as the warrant is issued. The district school board may not  
845 delay payment to a charter school of any portion of the funds  
846 provided in paragraph (b) based on the timing of receipt of  
847 local funds by the district school board.

848 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

849 (a) The Department of Education shall provide information  
850 to the public, directly and through sponsors, on how to form and  
851 operate a charter school and how to enroll in a charter school  
852 once it is created. This information shall include a standard  
853 ~~model~~ application form, standard charter contract, standard  
854 application evaluation instrument, and standard charter renewal  
855 contract, which shall include the information specified in  
856 subsection (7) and shall be developed by consulting and  
857 negotiating with both school districts and charter schools  
858 before implementation. The charter and charter renewal contracts

859 shall be used by charter school sponsors.

860 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 861 SCHOOL SYSTEMS.—A charter school system's governing board shall  
 862 be designated a local educational agency for the purpose of  
 863 receiving federal funds, the same as though the charter school  
 864 system were a school district, if the governing board of the  
 865 charter school system has adopted and filed a resolution with  
 866 its sponsoring district school board and the Department of  
 867 Education in which the governing board of the charter school  
 868 system accepts the full responsibility for all local education  
 869 agency requirements and the charter schools for which the  
 870 system's governing board will perform local education agency  
 871 responsibilities ~~school system meets all of the following:~~

- 872 ~~(a) Includes both conversion charter schools and~~
- 873 ~~nonconversion charter schools;~~
- 874 ~~(a)(b)~~ Are Has all schools located in the same county;
- 875 ~~(b)(c)~~ Have Has a total enrollment exceeding the total
- 876 enrollment of at least one school district in the state; and
- 877 ~~(c)(d)~~ Are governed by Has the system's ~~same~~ governing
- 878 board; ~~and~~
- 879 ~~(e) Does not contract with a for-profit service provider~~
- 880 ~~for management of school operations.~~

881  
 882 Such designation does not apply to other provisions unless  
 883 specifically provided in law.

884 Section 2. Paragraph (e) of subsection (2) and subsections

885 (3), (4), and (5) of section 1002.331, Florida Statutes, are  
 886 amended to read:

887 1002.331 High-performing charter schools.—

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

889 (e) Receive a modification of its charter to a term of 15  
 890 years or a 15-year charter renewal. The charter may be modified  
 891 or renewed for a shorter term at the option of the high-  
 892 performing charter school. The charter must be consistent with  
 893 s. 1002.33(7)(a)20. ~~1002.33(7)(a)19~~. and (10)(h) and (i), is  
 894 subject to annual review by the sponsor, and may be terminated  
 895 during its term pursuant to s. 1002.33(8).

896  
 897 A high-performing charter school shall notify its sponsor in  
 898 writing by March 1 if it intends to increase enrollment or  
 899 expand grade levels the following school year. The written  
 900 notice shall specify the amount of the enrollment increase and  
 901 the grade levels that will be added, as applicable. If a charter  
 902 school notifies the sponsor of its intent to expand, the sponsor  
 903 shall modify the charter within 90 days to include the new  
 904 enrollment maximum and may not make any other changes. The  
 905 sponsor may deny a request to increase the enrollment of a high-  
 906 performing charter school if the commissioner has declassified  
 907 the charter school as high-performing. If a high-performing  
 908 charter school requests to consolidate multiple charters, the  
 909 sponsor shall have 40 days after receipt of that request to  
 910 provide an initial draft charter to the charter school. The

911 sponsor and charter school shall have 50 days thereafter to  
912 negotiate and notice the charter contract for final approval by  
913 the sponsor.

914 (3) (a) A high-performing charter school may submit an  
915 application pursuant to s. 1002.33(6) in any school district in  
916 the state to establish and operate a new charter school that  
917 will substantially replicate its educational program. An  
918 application submitted by a high-performing charter school must  
919 state that the application is being submitted pursuant to this  
920 paragraph and must include the verification letter provided by  
921 the Commissioner of Education pursuant to subsection (4)~~(5)~~. If  
922 the sponsor fails to act on the application within 60 days after  
923 receipt, the application is deemed approved and the procedure in  
924 s. 1002.33(6) (h) applies. If the sponsor denies the application,  
925 the high-performing charter school may appeal pursuant to s.  
926 1002.33(6).

927 (b) A high-performing charter school may not establish  
928 more than one charter school within the state under paragraph  
929 (a) in any year. A subsequent application to establish a charter  
930 school under paragraph (a) may not be submitted unless each  
931 charter school established in this manner achieves high-  
932 performing charter school status. This paragraph does not apply  
933 to charter schools established by a high-performing charter  
934 school in the attendance zone of a school identified as in need  
935 of intervention and support pursuant to s. 1008.33(3) (b) or to  
936 meet capacity needs or needs for innovative school choice

937 options identified by the district school board.

938 ~~(4) A high-performing charter school may not increase~~  
939 ~~enrollment or expand grade levels following any school year in~~  
940 ~~which it receives a school grade of "C" or below. If the charter~~  
941 ~~school receives a school grade of "C" or below in any 2 years~~  
942 ~~during the term of the charter awarded under subsection (2), the~~  
943 ~~term of the charter may be modified by the sponsor and the~~  
944 ~~charter school loses its high-performing charter school status~~  
945 ~~until it regains that status under subsection (1).~~

946 (4)~~(5)~~ The Commissioner of Education, upon request by a  
947 charter school, shall verify that the charter school meets the  
948 criteria in subsection (1) and provide a letter to the charter  
949 school and the sponsor stating that the charter school is a  
950 high-performing charter school pursuant to this section. The  
951 commissioner shall annually determine whether a high-performing  
952 charter school under subsection (1) continues to meet the  
953 criteria in that subsection. Such high-performing charter school  
954 shall maintain its high-performing status unless the  
955 commissioner determines that the charter school no longer meets  
956 the criteria in subsection (1), at which time the commissioner  
957 shall send a letter to the charter school and its sponsor  
958 providing notification that the charter school has been  
959 declassified ~~of its declassification~~ as a high-performing  
960 charter school.

961 Section 3. Paragraph (a) of subsection (8) of section  
962 1002.37, Florida Statutes, is amended to read:

963 1002.37 The Florida Virtual School.—

964 (8) (a) The Florida Virtual School may provide full-time  
 965 and part-time instruction for students in kindergarten through  
 966 grade 12. ~~To receive part-time instruction in kindergarten~~  
 967 ~~through grade 5, a student must meet at least one of the~~  
 968 ~~eligibility criteria in s. 1002.455(2).~~

969 Section 4. Subsection (5) and paragraphs (c) and (d) of  
 970 subsection (8) of section 1002.45, Florida Statutes, are amended  
 971 to read:

972 1002.45 Virtual instruction programs.—

973 (5) STUDENT ELIGIBILITY.—Students in kindergarten through  
 974 grade 12 ~~A student~~ may enroll in a virtual instruction program  
 975 provided by the school district or by a virtual charter school  
 976 operated in the district in which he or she resides ~~if the~~  
 977 ~~student meets eligibility requirements for virtual instruction~~  
 978 ~~pursuant to s. 1002.455.~~

979 (8) ASSESSMENT AND ACCOUNTABILITY.—

980 (c) An approved provider that receives a school grade of  
 981 "D" or "F" under s. 1008.34 or a school improvement rating of  
 982 "Unsatisfactory" ~~"Declining"~~ under s. 1008.341 must file a  
 983 school improvement plan with the department for consultation to  
 984 determine the causes for low performance and to develop a plan  
 985 for correction and improvement.

986 (d) An approved provider's contract is automatically ~~must~~  
 987 ~~be~~ terminated if the provider earns two consecutive school  
 988 grades of ~~receives a school grade of "D" or "F" under s.~~

989 | 1008.34, receives two consecutive ~~or a~~ school improvement  
990 | ratings rating of "unsatisfactory" "~~Declining~~" under s.  
991 | 1008.341, ~~for 2 years during any consecutive 4-year period~~ or  
992 | has violated any qualification requirement pursuant to  
993 | subsection (2). A provider that has a contract terminated under  
994 | this paragraph may not be an approved provider for a period of  
995 | at least 1 year after the date upon which the contract was  
996 | terminated and until the department determines that the provider  
997 | is in compliance with subsection (2) and has corrected each  
998 | cause of the provider's low performance.

999 |       Section 5. Section 1002.455, Florida Statutes, is  
1000 | repealed.

1001 |       Section 6. Subsection (2) of section 1003.498, Florida  
1002 | Statutes, is amended to read:

1003 |       1003.498 School district virtual course offerings.—

1004 |       (2) School districts may offer virtual courses for  
1005 | students enrolled in the school district. These courses must be  
1006 | identified in the course code directory. ~~Students who meet the~~  
1007 | ~~eligibility requirements of s. 1002.455 may participate in these~~  
1008 | ~~virtual course offerings.~~

1009 |       (a) Any eligible student who is enrolled in a school  
1010 | district may register and enroll in an online course offered by  
1011 | his or her school district.

1012 |       (b)1. Any eligible student who is enrolled in a school  
1013 | district may register and enroll in an online course offered by  
1014 | any other school district in the state. The school district in

1015 which the student completes the course shall report the  
 1016 student's completion of that course for funding pursuant to s.  
 1017 1011.61(1)(c)1.b.(VI), and the home school district shall not  
 1018 report the student for funding for that course.

1019 2. The full-time equivalent student membership calculated  
 1020 under this subsection is subject to the requirements in s.  
 1021 1011.61(4). The Department of Education shall establish  
 1022 procedures to enable interdistrict coordination for the delivery  
 1023 and funding of this online option.

1024 Section 7. Section 1004.650, Florida Statutes, is created  
 1025 to read:

1026 1004.650 Florida Institute for Charter School Innovation.-

1027 (1) There is established the Florida Institute for Charter  
 1028 School Innovation within the Florida State University. The  
 1029 purposes of the institute are to advance charter school  
 1030 accountability, quality, and innovation; provide support for and  
 1031 technical assistance to charter school applicants and sponsors;  
 1032 provide opportunities for aspiring teachers to experience  
 1033 teaching in schools of choice; and conduct research for the  
 1034 development and promotion of best practices for the authorizing,  
 1035 accountability, financing, management, operation, and  
 1036 instructional practices of charter schools.

1037 (2) The institute shall:

1038 (a) Provide technical assistance and support to charter  
 1039 school applicants and sponsors.

1040 (b) Conduct research to inform both policy and practices



1041 related to charter school authorizing, accountability,  
1042 instructional practices, financing, management, and operations.

1043 (c) Partner with state-approved teacher preparation  
1044 programs around the state to provide opportunities for aspiring  
1045 teachers to experience teaching in schools of choice.

1046 (3) The President of the Florida State University shall  
1047 appoint a director of the institute. The director is responsible  
1048 for overall management of the institute and for developing and  
1049 executing the work of the institute consistent with this  
1050 section. The director may engage individuals in other state  
1051 universities with accredited colleges of education to  
1052 participate in the work of the institute.

1053 (4) By October 1 of each year, the institute shall provide  
1054 a written report to the Governor, the President of the Senate,  
1055 and the Speaker of the House of Representatives that outlines  
1056 its activities in the preceding year, reports significant  
1057 research findings, details expenditures of state funds, and  
1058 provides specific recommendations for improving the state's  
1059 charter school policies and the institute's ability to fulfill  
1060 its mission.

1061 (5) Within 180 days after completion of the institute's  
1062 fiscal year, the institute must provide to the Auditor General,  
1063 the Board of Governors of the State University System, and the  
1064 State Board of Education a report on the results of an annual  
1065 financial audit conducted by an independent certified public  
1066 accountant in accordance with s. 11.45.

1067 Section 8. Subsection (11) of section 1011.62, Florida  
 1068 Statutes, is amended to read:

1069 1011.62 Funds for operation of schools.—If the annual  
 1070 allocation from the Florida Education Finance Program to each  
 1071 district for operation of schools is not determined in the  
 1072 annual appropriations act or the substantive bill implementing  
 1073 the annual appropriations act, it shall be determined as  
 1074 follows:

1075 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
 1076 annually provide in the Florida Education Finance Program a  
 1077 virtual education contribution. The amount of the virtual  
 1078 education contribution shall be the difference between the  
 1079 amount per FTE established in the General Appropriations Act for  
 1080 virtual education and the amount per FTE for each district and  
 1081 the Florida Virtual School, which may be calculated by taking  
 1082 the sum of the base FEFP allocation, the discretionary local  
 1083 effort, the state-funded discretionary contribution, the  
 1084 discretionary millage compression supplement, the research-based  
 1085 reading instruction allocation, and the instructional materials  
 1086 allocation, and then dividing by the total unweighted FTE. This  
 1087 difference shall be multiplied by the virtual education  
 1088 unweighted FTE for programs and options identified in ss.  
 1089 1002.33(1), 1002.45(1)(b), and 1003.498 ~~s. 1002.455(3)~~ and the  
 1090 Florida Virtual School and its franchises to equal the virtual  
 1091 education contribution and shall be included as a separate  
 1092 allocation in the funding formula.

1093 Section 9. Subsection (2) of section 1011.71, Florida  
 1094 Statutes, is amended to read:  
 1095 1011.71 District school tax.—  
 1096 (2) In addition to the maximum millage levy as provided in  
 1097 subsection (1), each school board may levy not more than 1.5  
 1098 mills against the taxable value for school purposes for district  
 1099 schools, including charter schools. A charter school shall be  
 1100 provided an amount equal to the remaining balance of funding  
 1101 needed to achieve the amount of the state funding allocation  
 1102 provided in s. 1013.62 after the amount of state appropriations  
 1103 is deducted. Annually, by December 30, the department shall  
 1104 calculate the amount of payments to eligible charter schools  
 1105 using the certified taxable value and millage rate as provided  
 1106 in the TRIM notice pursuant to s. 200.065 and certify to each  
 1107 school district the amount the school district must pay to each  
 1108 charter school based on the remaining balance of funding needed  
 1109 to achieve the amount of the state funding allocation as  
 1110 provided in s. 1013.62 after the amount of state appropriations  
 1111 is deducted. School districts shall make payments to charter  
 1112 schools no later than February 1 of each year, beginning on  
 1113 February 1, 2016, for the 2015-2016 fiscal year. Revenues  
 1114 retained by a school district after payments are made to charter  
 1115 schools may be used by the school district ~~at the discretion of~~  
 1116 ~~the school board,~~ to fund:  
 1117 (a) New construction and remodeling projects, as set forth  
 1118 in s. 1013.64(3)(b) and (6)(b) and included in the district's

1119 educational plant survey pursuant to s. 1013.31, without regard  
1120 to prioritization, sites and site improvement or expansion to  
1121 new sites, existing sites, auxiliary facilities, athletic  
1122 facilities, or ancillary facilities.

1123 (b) Maintenance, renovation, and repair of existing school  
1124 plants or of leased facilities to correct deficiencies pursuant  
1125 to s. 1013.15(2).

1126 (c) The purchase, lease-purchase, or lease of school  
1127 buses.

1128 (d) The purchase, lease-purchase, or lease of new and  
1129 replacement equipment; computer hardware, including electronic  
1130 hardware and other hardware devices necessary for gaining access  
1131 to or enhancing the use of electronic content and resources or  
1132 to facilitate the access to and the use of a school district's  
1133 digital classrooms plan pursuant to s. 1011.62, excluding  
1134 software other than the operating system necessary to operate  
1135 the hardware or device; and enterprise resource software  
1136 applications that are classified as capital assets in accordance  
1137 with definitions of the Governmental Accounting Standards Board,  
1138 have a useful life of at least 5 years, and are used to support  
1139 districtwide administration or state-mandated reporting  
1140 requirements. Enterprise resource software may be acquired by  
1141 annual license fees, maintenance fees, or lease agreements.

1142 (e) Payments for educational facilities and sites due  
1143 under a lease-purchase agreement entered into by a district  
1144 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not

1145 exceeding, in the aggregate, an amount equal to three-fourths of  
1146 the proceeds from the millage levied by a district school board  
1147 pursuant to this subsection. The three-fourths limit is waived  
1148 for lease-purchase agreements entered into before June 30, 2009,  
1149 by a district school board pursuant to this paragraph.

1150 (f) Payment of loans approved pursuant to ss. 1011.14 and  
1151 1011.15.

1152 (g) Payment of costs directly related to complying with  
1153 state and federal environmental statutes, rules, and regulations  
1154 governing school facilities.

1155 (h) Payment of costs of leasing relocatable educational  
1156 facilities, of renting or leasing educational facilities and  
1157 sites pursuant to s. 1013.15(2), or of renting or leasing  
1158 buildings or space within existing buildings pursuant to s.  
1159 1013.15(4).

1160 (i) Payment of the cost of school buses when a school  
1161 district contracts with a private entity to provide student  
1162 transportation services if the district meets the requirements  
1163 of this paragraph.

1164 1. The district's contract must require that the private  
1165 entity purchase, lease-purchase, or lease, and operate and  
1166 maintain, one or more school buses of a specific type and size  
1167 that meet the requirements of s. 1006.25.

1168 2. Each such school bus must be used for the daily  
1169 transportation of public school students in the manner required  
1170 by the school district.

1171 3. Annual payment for each such school bus may not exceed  
 1172 10 percent of the purchase price of the state pool bid.

1173 4. The proposed expenditure of the funds for this purpose  
 1174 must have been included in the district school board's notice of  
 1175 proposed tax for school capital outlay as provided in s.  
 1176 200.065(10).

1177 (j) Payment of the cost of the opening day collection for  
 1178 the library media center of a new school.

1179 Section 10. Paragraph (b) of subsection (8) of section  
 1180 1012.56, Florida Statutes, is amended to read:

1181 1012.56 Educator certification requirements.—

1182 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
 1183 COMPETENCY PROGRAM.—

1184 (b)1. Each school district must and a private school or  
 1185 state-supported ~~state-supported~~ public school, including a  
 1186 charter school, ~~or a private school~~ may develop and maintain a  
 1187 system by which members of the instructional staff may  
 1188 demonstrate mastery of professional preparation and education  
 1189 competence as required by law. Each program must be based on  
 1190 classroom application of the Florida Educator Accomplished  
 1191 Practices and instructional performance and, for public schools,  
 1192 must be aligned with the district's or state-supported public  
 1193 school's evaluation system established ~~approved~~ under s.  
 1194 1012.34, as applicable.

1195 2. The Commissioner of Education shall determine the  
 1196 continued approval of programs implemented under this paragraph,

1197 based upon the department's review of performance data. The  
 1198 department shall review the performance data as a part of the  
 1199 periodic review of each school district's professional  
 1200 development system required under s. 1012.98.

1201 Section 11. Subsections (1) and (2) of section 1013.62,  
 1202 Florida Statutes, are amended to read:

1203 1013.62 Charter schools capital outlay funding.—

1204 (1) In each year in which funds are appropriated for  
 1205 charter school capital outlay purposes, the Commissioner of  
 1206 Education shall allocate the funds among eligible charter  
 1207 schools.

1208 (a) To be eligible for a funding allocation, a charter  
 1209 school must:

1210 1.a. Have been in operation for 2 ~~3~~ or more years;

1211 b. Have no more than two consecutive school grades lower  
 1212 than "B" unless the school serves a student population at least  
 1213 50 percent of which is eligible for free or reduced-price meals  
 1214 under the National School Lunch Act ~~Be governed by a governing~~  
 1215 ~~board established in the state for 3 or more years which~~  
 1216 ~~operates both charter schools and conversion charter schools~~  
 1217 ~~within the state;~~

1218 c. Have an annual audit that does not reveal any of the  
 1219 financial emergency conditions provided in s. 218.503(1) for the  
 1220 most recent fiscal year for which such audit results are  
 1221 available ~~Be an expanded feeder chain of a charter school within~~  
 1222 ~~the same school district that is currently receiving charter~~

1223 ~~school capital outlay funds;~~  
 1224 d. Have received final approval from its sponsor pursuant  
 1225 to s. 1002.33 for operation during that fiscal year; and  
 1226 e. Serve students in facilities that are not provided by  
 1227 the charter school's sponsor; or  
 1228 ~~d. Have been accredited by the Commission on Schools of~~  
 1229 ~~the Southern Association of Colleges and Schools; or~~  
 1230 ~~e. Serve students in facilities that are provided by a~~  
 1231 ~~business partner for a charter school in the workplace pursuant~~  
 1232 ~~to s. 1002.33(15)(b).~~  
 1233 2.a. Be part of a high-performing charter school system  
 1234 pursuant to s. 1002.332; Have financial stability for future  
 1235 operation as a charter school.  
 1236 ~~3. Have satisfactory student achievement based on state~~  
 1237 ~~accountability standards applicable to the charter school.~~  
 1238 ~~b.4.~~ Have received final approval from its sponsor  
 1239 pursuant to s. 1002.33 for operation during that fiscal year;  
 1240 and-  
 1241 ~~c.5.~~ Serve students in facilities that are not provided by  
 1242 the charter school's sponsor.  
 1243 ~~(b) The first priority for charter school capital outlay~~  
 1244 ~~funding is to allocate to charter schools that received funding~~  
 1245 ~~in the 2005-2006 fiscal year an allocation of the same amount~~  
 1246 ~~per capital outlay full-time equivalent student, up to the~~  
 1247 ~~lesser of the actual number of capital outlay full-time~~  
 1248 ~~equivalent students in the current year, or the capital outlay~~



1249 ~~full-time equivalent students in the 2005-2006 fiscal year.~~  
1250 ~~After calculating the first priority, the second priority is to~~  
1251 ~~allocate excess funds remaining in the appropriation in an~~  
1252 ~~amount equal to the per capital outlay full-time equivalent~~  
1253 ~~student amount in the first priority calculation to eligible~~  
1254 ~~charter schools not included in the first priority calculation~~  
1255 ~~and to schools in the first priority calculation with growth~~  
1256 ~~greater than the 2005-2006 capital outlay full-time equivalent~~  
1257 ~~students. After calculating the first and second priorities,~~  
1258 ~~excess funds remaining in the appropriation must be allocated to~~  
1259 ~~all eligible charter schools.~~

1260 (b)-(e) A charter school's allocation may not exceed one-  
1261 fortieth ~~one-fifteenth~~ of the cost per student station specified  
1262 in s. 1013.64(6)(b) or the amount of revenue per fixed capital  
1263 outlay full-time equivalent student generated by the school  
1264 district's levy of 1.5 mills pursuant to s. 1011.71(2),  
1265 whichever is less. Before releasing capital outlay funds to a  
1266 school district on behalf of the charter school, the Department  
1267 of Education must ensure that the district school board and the  
1268 charter school governing board enter into a written agreement  
1269 that provides for the reversion of any unencumbered funds and  
1270 all equipment and property purchased with public education funds  
1271 to the ownership of the district school board, as provided for  
1272 in subsection (3) if the school terminates operations. Any funds  
1273 recovered by the state shall be deposited in the General Revenue  
1274 Fund.

1275 (c)~~(d)~~ A charter school is not eligible for a funding  
 1276 allocation if it was created by the conversion of a public  
 1277 school and operates in facilities provided by the charter  
 1278 school's sponsor for a nominal fee, or at no charge, or if it is  
 1279 directly or indirectly operated by the school district.

1280 (d)~~(e)~~ Unless otherwise provided in the General  
 1281 Appropriations Act, the state funding allocation for each  
 1282 eligible charter school shall be ~~is~~ determined by multiplying  
 1283 the school's projected student enrollment by one-fortieth ~~one-~~  
 1284 ~~fifteenth~~ of the cost-per-student station specified in s.  
 1285 1013.64(6)(b) for an elementary, middle, or high school, as  
 1286 appropriate. If the funds appropriated are not sufficient, the  
 1287 charter school shall receive funding to achieve one-fortieth of  
 1288 the cost per student station or the amount of revenue per fixed  
 1289 capital outlay full-time equivalent student generated by the  
 1290 school district's levy of 1.5 mills pursuant to s. 1011.71(2),  
 1291 whichever is less, from the revenues generated by the school  
 1292 district levy of ad valorem property taxes ~~the commissioner~~  
 1293 ~~shall prorate the available funds among eligible charter~~  
 1294 ~~schools. However,~~ A charter school or charter lab school may not  
 1295 receive state charter school capital outlay funds or local ad  
 1296 valorem capital outlay funds greater than the one-fortieth ~~one-~~  
 1297 ~~fifteenth~~ cost per student station formula if the charter  
 1298 school's combination of state charter school capital outlay  
 1299 funds, capital outlay funds calculated through the reduction in  
 1300 the administrative fee provided in s. 1002.33(20), and capital

1301 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the  
 1302 one-fortieth ~~one-fifteenth~~ cost per student station formula.

1303 (e) ~~(f)~~ Funds shall be distributed on the basis of the  
 1304 capital outlay full-time equivalent membership by grade level,  
 1305 which is calculated by averaging the results of the second and  
 1306 third enrollment surveys. The Department of Education shall  
 1307 distribute capital outlay funds monthly, beginning in the first  
 1308 quarter of the fiscal year, based on one-twelfth of the amount  
 1309 the department reasonably expects the charter school to receive  
 1310 during that fiscal year. The commissioner shall adjust  
 1311 subsequent distributions as necessary to reflect each charter  
 1312 school's actual student enrollment as reflected in the second  
 1313 and third enrollment surveys. The commissioner shall establish  
 1314 the intervals and procedures for determining the projected and  
 1315 actual student enrollment of eligible charter schools.

1316 (2) A charter school's governing body may use charter  
 1317 school capital outlay funds received pursuant to this section  
 1318 and s. 1011.71(2) for the following purposes:

1319 (a) Purchase of real property.

1320 (b) Construction of school facilities.

1321 (c) Purchase, lease-purchase, or lease of permanent or  
 1322 relocatable school facilities.

1323 (d) Purchase of vehicles to transport students to and from  
 1324 the charter school.

1325 (e) Renovation, repair, and maintenance of school  
 1326 facilities that the charter school owns or is purchasing through

1327 a lease-purchase or long-term lease of 5 years or longer.

1328 ~~(f) Effective July 1, 2008, purchase, lease-purchase, or~~  
1329 ~~lease of new and replacement equipment, and enterprise resource~~  
1330 ~~software applications that are classified as capital assets in~~  
1331 ~~accordance with definitions of the Governmental Accounting~~  
1332 ~~Standards Board, have a useful life of at least 5 years, and are~~  
1333 ~~used to support schoolwide administration or state-mandated~~  
1334 ~~reporting requirements.~~

1335 (f)(g) Payment of the cost of premiums for property and  
1336 casualty insurance necessary to insure the school facilities.

1337 (g)(h) Purchase, lease-purchase, or lease of driver's  
1338 education vehicles; motor vehicles used for the maintenance or  
1339 operation of plants and equipment; security vehicles; or  
1340 vehicles used in storing or distributing materials and  
1341 equipment.

1342 (h) The purchase, lease-purchase, or lease of new and  
1343 replacement equipment; computer hardware, including electronic  
1344 hardware and other hardware devices necessary for gaining access  
1345 to or enhancing the use of electronic content and resources or  
1346 to facilitate the access to and the use of a charter school's  
1347 digital classrooms plan pursuant to s. 1011.62, excluding  
1348 software other than the operating system necessary to operate  
1349 the hardware or device; and enterprise resource software  
1350 applications that are classified as capital assets in accordance  
1351 with definitions of the Governmental Accounting Standards Board,  
1352 have a useful life of at least 5 years, and are used to support

1353 schoolwide administration or state-mandated reporting  
1354 requirements. Enterprise resource software may be acquired by  
1355 annual license fees, maintenance fees, or lease agreement.

1356 (i) Payment of the cost of the opening day collection for  
1357 the library media center of a new school.

1358

1359 Conversion charter schools may use capital outlay funds received  
1360 through the reduction in the administrative fee provided in s.  
1361 1002.33(20) for renovation, repair, and maintenance of school  
1362 facilities that are owned by the sponsor.

1363 Section 12. For the 2015-2016 fiscal year, the sum of  
1364 \$2,374,420 in recurring funds is appropriated from the General  
1365 Revenue Fund to the Florida Education Finance Program to fund  
1366 student enrollment associated with the repeal by this act of s.  
1367 1002.455, Florida Statutes. For the 2015-2016 fiscal year, the  
1368 sum of \$1 million in recurring funds is appropriated from the  
1369 General Revenue Fund to the Florida State University to create  
1370 and implement the Florida Institute for Charter School  
1371 Innovation.

1372 Section 13. This act shall take effect July 1, 2015.