

556-218AXA-38

Bill No. HB 2087, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Melvin offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 196.1983, Florida Statutes, is
created to read:

196.1983 Charter school exemption from ad valorem
taxes.--Any facility, or portion thereof, used to house a
charter school whose charter has been approved by the sponsor
and the governing board pursuant to s. 228.056(9) shall be
exempt from ad valorem taxes. For leasehold properties, the
landlord must certify by affidavit to the charter school that
the lease payments shall be reduced to the extent of the
exemption received. The owner of the property shall disclose
to a charter school the full amount of the benefit derived
from the exemption and the method for ensuring that the
charter school receives such benefit. The charter school
shall receive the full benefit derived from the exemption
through either an annual or monthly credit to the charter

1 school's lease payments.

2 Section 2. Section 196.29, Florida Statutes, is
3 amended to read:

4 196.29 Cancellation of certain taxes on real property
5 acquired by a county, school board, charter school governing
6 board, or community college district board of
7 trustees.--Whenever any county, school board, charter school
8 governing board, or community college district board of
9 trustees of this state has heretofore acquired, or shall
10 hereafter acquire, title to any real property, the taxes of
11 all political subdivisions, as defined in s. 1.01, upon such
12 property for the year in which title to such property was
13 acquired, or shall hereafter be acquired, shall be that
14 portion of the taxes levied or accrued against such property
15 for such year which the portion of such year which has expired
16 at the date of such acquisition bears to the entire year, and
17 the remainder of such taxes for such year shall stand
18 canceled.

19 Section 3. Section 228.056, Florida Statutes, is
20 amended to read:

21 228.056 Charter schools.--

22 (1) AUTHORIZATION.--The creation of charter schools is
23 hereby authorized. Charter schools shall be part of the
24 state's program of public education. All charter schools in
25 Florida are fully recognized as public schools. A charter
26 school may be formed by creating a new school or converting an
27 existing public school to charter status.

28 (2) PURPOSE.--The purpose of charter schools shall be
29 to:

30 (a) Improve student learning.

31 (b) Increase learning opportunities for all students,

1 with special emphasis on expanded learning experiences for
2 students who are identified as academically low achieving.

3 (c) Encourage the use of different and innovative
4 learning methods.

5 (d) Increase choice of learning opportunities for
6 students.

7 (e) Establish a new form of accountability for
8 schools.

9 (f) Require the measurement of learning outcomes and
10 create innovative measurement tools.

11 (g) Make the school the unit for improvement.

12 (h) Create new professional opportunities for
13 teachers, including the opportunity to own the learning
14 program at the school site.

15 (3) APPLICATION; UNLAWFUL REPRISAL PROPOSAL.--

16 (a) An application ~~A proposal~~ for a new charter school
17 may be made by an individual, teachers, parents, a group of
18 individuals, a municipality, or a legal entity organized under
19 the laws of this state. The district school board or the
20 principal, teachers, parents, and/or the school advisory
21 council at an existing public school, including a public
22 school-within-a-school that is designated as a school by the
23 district school board, shall submit any application ~~proposal~~
24 for converting the school to a charter school. An application
25 submitted proposing to convert an existing public school to a
26 charter school shall demonstrate the support of at least 50
27 percent of the teachers employed at the school and 50 percent
28 of the parents voting whose children are enrolled at the
29 school, provided that a majority of the parents eligible to
30 vote participate in the ballot process, according to
31 procedures established by rules of the state board. A private

1 school, parochial school, or home education program shall not
2 be eligible for charter school status.

3 (b) No district school board, or district school board
4 employee who has control over personnel actions, shall take
5 unlawful reprisal against another district school board
6 employee because that employee is either directly or
7 indirectly involved with an application to establish a charter
8 school. As used in this subsection, the term "unlawful
9 reprisal" means an action taken by a district school board or
10 a school system employee against an employee who is directly
11 or indirectly involved in a lawful application to establish a
12 charter school, which occurs as a direct result of that
13 involvement, and which results in one or more of the
14 following: disciplinary or corrective action; adverse transfer
15 or reassignment, whether temporary or permanent; suspension,
16 demotion, or dismissal; an unfavorable performance evaluation;
17 a reduction in pay, benefits, or rewards; elimination of the
18 employee's position absent of a reduction in force as a result
19 of lack of moneys or work; or other adverse significant
20 changes in duties or responsibilities that are inconsistent
21 with the employee's salary or employment classification. The
22 following procedures shall apply to an alleged unlawful
23 reprisal which occurs as a consequence of an employee's direct
24 or indirect involvement with an application to establish a
25 charter school:

26 1. Within 60 days after a reprisal prohibited by this
27 subsection, an employee may file a complaint with the
28 Department of Education.

29 2. Within 3 working days after receiving a complaint
30 under this section, the department shall acknowledge receipt
31 of the complaint and provide copies of the complaint and any

1 other relevant preliminary information available to each of
2 the other parties named in the complaint, which parties shall
3 each acknowledge receipt of such copies to the complainant.

4 3. If the department determines that the complaint
5 demonstrates reasonable cause to suspect that an unlawful
6 reprisal has occurred, the department shall conduct an
7 investigation to produce a fact-finding report.

8 4. Within 90 days after receiving the complaint, the
9 department shall provide the superintendent of schools of the
10 complainant's district and the complainant with a fact-finding
11 report that may include recommendations to the parties or
12 proposed resolution of the complaint. The fact-finding report
13 shall be presumed admissible in any subsequent or related
14 administrative or judicial review.

15 5. If the department determines that reasonable
16 grounds exist to believe that an unlawful reprisal has
17 occurred, is occurring, or is to be taken, and is unable to
18 conciliate a complaint within 60 days after receipt of the
19 fact-finding report, the department shall terminate the
20 investigation. Upon termination of any investigation, the
21 department shall notify the complainant and the superintendent
22 of schools of the termination of the investigation, providing
23 a summary of relevant facts found during the investigation and
24 the reasons for terminating the investigation. A written
25 statement under this paragraph is presumed admissible as
26 evidence in any judicial or administrative proceeding.

27 6. The department shall either contract with the
28 Division of Administrative Hearings under s. 120.65, or
29 otherwise provide for a complaint for which the department
30 determines reasonable grounds exist to believe that an
31 unlawful reprisal has occurred, is occurring, or is to be

1 taken, and is unable to conciliate, to be heard by a panel of
2 impartial persons. Upon hearing the complaint, the panel must
3 make findings of fact and conclusions of law for a final
4 decision by the department.

5
6 It shall be an affirmative defense to any action brought
7 pursuant to this section that the adverse action was
8 predicated upon grounds other than, and would have been taken
9 absent, the employee's exercise of rights protected by this
10 section.

11 (c) In any action brought under this section for which
12 it is determined reasonable grounds exist to believe that an
13 unlawful reprisal has occurred, is occurring, or is to be
14 taken, the relief must include the following:

15 1. Reinstatement of the employee to the same position
16 held before the unlawful reprisal was commenced, or to an
17 equivalent position, or payment of reasonable front pay as
18 alternative relief.

19 2. Reinstatement of the employee's full fringe
20 benefits and seniority rights, as appropriate.

21 3. Compensation, if appropriate, for lost wages,
22 benefits, or other lost remuneration caused by the unlawful
23 reprisal.

24 4. Payment of reasonable costs, including attorney's
25 fees, to a substantially prevailing employee, or to the
26 prevailing employer if the employee filed a frivolous action
27 in bad faith.

28 5. Issuance of an injunction, if appropriate, by a
29 court of competent jurisdiction.

30 6. Temporary reinstatement to the employee's former
31 position or to an equivalent position, pending the final

1 outcome on the complaint, if it is determined that the action
2 was not made in bad faith or for a wrongful purpose, and did
3 not occur after a district school board's initiation of a
4 personnel action against the employee which includes
5 documentation of the employee's violation of a disciplinary
6 standard or performance deficiency.

7 (4) SPONSOR.--A district school board may sponsor a
8 charter school in the county over which the board has
9 jurisdiction.

10 (a) A district school board shall receive and review
11 all applications for a charter school. A district school board
12 shall receive and consider charter school applications
13 received on or before October 1 through at least November 15
14 of each calendar year for charter schools to be opened at the
15 beginning of the school district's next school year, or to be
16 opened at a time agreed to by the applicant and the district
17 school board. A district school board may receive
18 applications later than this date if it chooses. In order to
19 facilitate an accurate budget projection process, a district
20 school board shall be held harmless for FTE students which are
21 not included in the FTE projection due to approval of charter
22 school applications after the FTE projection deadline. In a
23 further effort to facilitate an accurate budget projection,
24 within 15 calendar days after receipt of a charter school
25 application, a district school board or other sponsor shall
26 report to the Department of Education the name of the
27 applicant entity, the proposed charter school location, and
28 its projected FTE. A district school board must by a majority
29 vote approve or deny an application no later than 60 calendar
30 days after the application is received, unless the district
31 school board and the applicant mutually agree to temporarily

1 postpone the vote to a specific date, at which time the
2 district school board must by a majority vote approve or deny
3 the application. If the district school board fails to act on
4 the application, an applicant may appeal to the State Board of
5 Education as provided in paragraph (b). If an application is
6 denied, the district school board must, within 10 calendar
7 days, articulate in writing the specific reasons based upon
8 good cause supporting its denial of the charter application.
9 For budget projection purposes, the district school board or
10 other sponsor shall report to the department the approval or
11 denial of a charter application within 10 calendar days after
12 such approval or denial. In the event of approval, the report
13 to the department must include the final projected FTE for the
14 approved charter school. Upon approval of a charter
15 application, the initial startup must be consistent with the
16 beginning of the public school calendar for the district in
17 which the charter is granted unless the district school board
18 allows a waiver of this provision for good cause.

19 (b) An applicant may appeal any denial of that
20 applicant's ~~person's~~ application or failure to act on an
21 application to the State Board of Education no later than 30
22 calendar days after the district school board's decision or
23 failure to act and shall notify the district school board of
24 its appeal. Any response of the school board shall be
25 submitted to the state board within 30 calendar days after
26 notification of the appeal. The state board must by majority
27 vote accept or reject the decision of the district school
28 board no later than 60 calendar days after an appeal is filed
29 in accordance with state board rule. The state board may
30 reject an appeal submission for failure to comply with
31 procedural rules governing the appeals process. The rejection

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1 shall describe the submission errors. The appellant may have
2 up to 15 calendar days from notice of rejection to resubmit an
3 appeal that meets requirements of rule. An application for
4 appeal submitted subsequent to such rejection shall be
5 considered timely if the original appeal was filed within 30
6 calendar days after the school board denial. The state board
7 shall remand the application to the district school board with
8 its written recommendation that the district board approve or
9 deny the application consistent with the state board's
10 decision. The decision of the State Board of Education is not
11 subject to the provisions of the Administrative Procedure Act,
12 chapter 120.

13 (c) The district school board must act upon the
14 recommendation of the State Board of Education within 30
15 calendar days after it is received. The district board may
16 fail to act in accordance with the recommendation of the state
17 board only for good cause. Good cause for failing to act in
18 accordance with the state board's recommendation arises only
19 if the district school board determines by competent
20 substantial evidence that approving the state board's
21 recommendation would be contrary to law or contrary to the
22 best interests of the pupils or the community. The district
23 school board must articulate in written findings the specific
24 reasons based upon good cause supporting its failure to act in
25 accordance with the state board's recommendation. The district
26 board's action on the state board's recommendation is a final
27 action subject to judicial review.

28 (d) The Department of Education may provide technical
29 assistance to an applicant upon written request.

30 (e) Paragraph (a) notwithstanding, a state university
31 may grant a charter to a developmental research school created

1 under s. 228.053. In considering such charter, the state
2 university must consult with the district school board of the
3 county in which the developmental research school is located.
4 The decision of a state university may be appealed pursuant to
5 the procedure established in this subsection.

6 (f) The terms and conditions for the operation of a
7 charter school shall be set forth by the sponsor and the
8 applicant in a written contractual agreement, called a
9 charter. The sponsor shall not impose unreasonable rules or
10 regulations that violate the intent of giving charter schools
11 greater flexibility to meet educational goals. The applicant
12 and sponsor shall have 6 months in which to mutually agree to
13 the provisions of the charter contract. The Department of
14 Education shall provide mediation services for any dispute
15 regarding this section subsequent to the approval of a charter
16 application, except disputes regarding charter school
17 application denials. If the Commissioner of Education
18 determines that the dispute cannot be settled through
19 mediation, the dispute may be appealed to an administrative
20 law judge appointed by the Division of Administrative
21 Hearings. The administrative law judge may rule on issues of
22 equitable treatment of the charter school as a public school,
23 whether proposed provisions of the charter contract violate
24 the intended flexibility granted charter schools by statute,
25 or on any other matter regarding this section except a charter
26 school application denial, and shall award the prevailing
27 party reasonable attorney's fees and costs incurred to be paid
28 by the losing party. The costs of the administrative hearing
29 shall be paid by the party whom the administrative law judge
30 rules against.

31 (g) The sponsor shall monitor and review the charter

1 school in its progress towards the goals established in the
2 charter.

3 (h) The sponsor shall monitor the revenues and
4 expenditures of the charter school.

5 (5) NUMBER OF SCHOOLS.--

6 (a) The number of newly created charter schools ~~or~~
7 ~~existing public schools which may convert to charter schools~~
8 is limited to no more than 28 in each school district that has
9 100,000 or more students, no more than 20 in each school
10 district that has 50,000 to 99,999 students, and no more than
11 12 in each school district with fewer than 50,000 students.

12 (b) An existing public school which converts to a
13 charter school shall not be counted towards the limit
14 established by paragraph (a).

15
16 Notwithstanding any limit established by this subsection, a
17 district school board or a charter school applicant shall have
18 the right to request an increase of the limit on the number of
19 charter schools authorized to be established within the
20 district from the State Board of Education.

21 (6) ELIGIBLE STUDENTS.--

22 (a) A charter school shall be open to any student
23 covered in an interdistrict agreement or residing in the
24 school district in which the charter school is located;
25 however, in the case of a developmental research school
26 created under s. 228.053 to which a charter has been issued
27 under paragraph (4)(e), the charter school shall be open to
28 any student eligible to attend the developmental research
29 school as provided in s. 228.053 or who resides in the school
30 district in which the charter school is located. Any eligible
31 student shall be allowed interdistrict transfer to attend a

1 charter school when based on good cause. When a public school
2 converts to charter status, enrollment preference shall be
3 given to students who would have otherwise attended that
4 public school. A charter school may give enrollment preference
5 to a sibling of a student enrolled in the charter school, to
6 the child of a member of the governing board of the charter
7 school, or to the child of an employee of the charter school.

8 (b) The charter school shall enroll an eligible
9 student who submits a timely application, unless the number of
10 applications exceeds the capacity of a program, class, grade
11 level, or building. In such case, all applicants shall have an
12 equal chance of being admitted through a random selection
13 process.

14 (c) A charter school may limit the enrollment process
15 only to target the following student populations:

16 1. Students within specific age groups or grade
17 levels.

18 2. Students considered at risk of dropping out of
19 school or academic failure. Such students shall include
20 exceptional education students.

21 3. Students enrolling in a charter
22 school-in-the-workplace established pursuant to subsection
23 (22).

24 4. Students residing within a reasonable distance of
25 the charter school, as described in paragraph (13)(c). Such
26 students shall be subject to a random lottery and to the
27 racial/ethnic balance provisions described in subparagraph
28 (9)(a)8. or any federal provisions which require a school to
29 achieve a racial/ethnic balance reflective of the community it
30 serves or within the racial/ethnic range of other public
31 schools in the same school district.

1 (d) A student may withdraw from a charter school at
2 any time and enroll in another public school as determined by
3 school board policy.

4 (e) Students with handicapping conditions and students
5 served in English for Speakers of Other Languages programs
6 shall have an equal opportunity of being selected for
7 enrollment in a charter school.

8 (7) LEGAL ENTITY.--A charter school shall organize as,
9 or be operated by, a nonprofit organization. A charter school
10 may be operated by a municipality or other public entity as
11 provided for by law. As such, the charter school may be either
12 a private or a public employer. As a public employer, a
13 charter school may participate in the Florida Retirement
14 System upon application and approval as a "covered group"
15 under s. 121.021(34). If a charter school participates in the
16 Florida Retirement System, the charter school employees shall
17 be compulsory members of the Florida Retirement System. As
18 either a private or a public employer, a charter school may
19 contract for services with an individual or group of
20 individuals who are organized as a partnership or a
21 cooperative. Individuals or groups of individuals who contract
22 their services to the charter school are not public employees.

23 (8) REQUIREMENTS.--

24 (a) A charter school shall be nonsectarian in its
25 programs, admission policies, employment practices, and
26 operations.

27 (b) A charter school shall admit students as provided
28 in subsection (6).

29 (c) A charter school shall be accountable to its
30 sponsor for performance as provided in subsection (9).

31 (d) A charter school shall not charge tuition or fees,

1 except those fees normally charged by other public schools.
2 However, a developmental research school to which a charter
3 has been issued pursuant to paragraph (4)(e) may charge a
4 student activity and service fee as authorized by s.
5 228.053(5).

6 (e) A charter school shall meet all applicable state
7 and local health, safety, and civil rights requirements.

8 (f) A charter school shall not violate the
9 antidiscrimination provisions of s. 228.2001.

10 (g) A charter school shall be subject to an annual
11 financial audit in a manner similar to that of a school
12 district.

13 (h) No organization shall hold more than 15 charters
14 statewide.

15 (i) In order to provide financial information that is
16 comparable to that reported for other public schools, charter
17 schools are to maintain all financial records which constitute
18 their accounting system in accordance with the accounts and
19 codes prescribed in the most recent issuance of the
20 publication titled "Financial and Program Cost Accounting and
21 Reporting for Florida Schools." Charter schools are to provide
22 annual financial report and program cost report information in
23 the state-required formats for inclusion in district reporting
24 in compliance with s. 236.02(1). Charter schools which are
25 operated by a municipality or are a component unit of a parent
26 nonprofit organization may use the accounting system of the
27 municipality or the parent, but must reformat this information
28 for reporting according to this paragraph.

29 (9) CHARTER.--The major issues involving the operation
30 of a charter school shall be considered in advance and written
31 into the charter. The charter shall be signed by the governing

1 body of the charter school and the sponsor, following a public
2 hearing to ensure community input.

3 (a) The charter shall address, and criteria for
4 approval of the charter shall be based on:

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

7 2. The focus of the curriculum, the instructional
8 methods to be used, and any distinctive instructional
9 techniques to be employed.

10 3. The current incoming baseline standard of student
11 academic achievement, the outcomes to be achieved, and the
12 method of measurement that will be used. This section shall
13 include a detailed description for each of the following:

14 a. How the baseline student academic achievement
15 levels and prior rates of academic progress will be
16 established.†

17 b. How these baseline rates will be compared to rates
18 of academic progress achieved by these same students while
19 attending the charter school.†~~and~~

20 c. To the extent possible, how these rates of progress
21 will be evaluated and compared with rates of progress of other
22 closely comparable student populations.

23 4. The methods used to identify the educational
24 strengths and needs of students and how well educational goals
25 and performance standards are met by students attending the
26 charter school. Students in charter schools shall, at a
27 minimum, participate in the statewide assessment program.

28 5. In secondary charter schools, a method for
29 determining that a student has satisfied the requirements for
30 graduation in s. 232.246.

31 6. A method for resolving conflicts between the

1 governing body of the charter school and the sponsor.

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

4 8. The ways by which the school will achieve a
5 racial/ethnic balance reflective of the community it serves or
6 within the racial/ethnic range of other public schools in the
7 same school district.

8 9. The financial and administrative management of the
9 school, including a reasonable demonstration of the
10 professional experience or competence of those individuals or
11 organizations applying to operate the charter school or those
12 hired or retained to perform such professional services. Both
13 public sector and private sector professional experience shall
14 be equally valid in such a consideration.

15 10. The manner in which the school will be insured,
16 including whether or not the school will be required to have
17 liability insurance, and, if so, the terms and conditions
18 thereof and the amounts of coverage.

19 11. The term of the charter which shall provide for
20 cancellation of the charter if insufficient progress has been
21 made in attaining the student achievement objectives of the
22 charter and if it is not likely that such objectives can be
23 achieved before expiration of the charter. The initial term of
24 a charter shall be for 3, 4, or 5 years. In order to
25 facilitate access to long-term financial resources for charter
26 school construction, charter schools that are operated by a
27 municipality or other public entity as provided by law are
28 eligible for up to a 15-year charter, subject to approval by
29 the local school board. A developmental research school is
30 eligible for a charter for a term of up to 15 years issued by
31 a state university pursuant to paragraph (4)(e).In addition,

1 to facilitate access to long-term financial resources for
2 charter school construction, charter schools that are operated
3 by a private, not-for-profit, s. 501(c)(3) status corporation
4 are eligible for up to a 10-year charter, subject to approval
5 by the local school board. Such long-term charters remain
6 subject to annual review and may be terminated during the term
7 of the charter, but only for specific good cause according to
8 the provisions set forth in subsection (10).

9 12. The facilities to be used and their location.

10 13. The qualifications to be required of the teachers.

11 14. The governance structure of the school, including
12 the status of the charter school as a public or private
13 employer as required in subsection (7).

14 15. A timetable for implementing the charter which
15 addresses the implementation of each element thereof and the
16 date by which the charter shall be awarded in order to meet
17 this timetable.

18 16. In the case of an existing public school being
19 converted to charter status, alternative arrangements for
20 current students who choose not to attend the charter school
21 and for current teachers who choose not to teach in the
22 charter school after conversion in accordance with the
23 existing collective bargaining agreement or school board
24 policy in the absence of a collective bargaining agreement.
25 However, alternative arrangements shall not be required for
26 current teachers who choose not to teach in a developmental
27 research school to which a charter has been issued pursuant to
28 paragraph (4)(e), except as authorized by the employment
29 policies of the state university which grants the charter to
30 the developmental research school.

31 (b) A charter may be renewed every 5 school years,

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1 provided that a program review demonstrates that the criteria
2 in paragraph (a) have been successfully accomplished and that
3 none of the grounds for nonrenewal established by paragraph
4 (10)(a) have been documented. In order to facilitate long-term
5 financing for charter school construction, charter schools
6 operating for a minimum of 2 3 years and demonstrating
7 exemplary academic programming and fiscal management are
8 eligible for a 15-year charter renewal. Such long-term charter
9 is subject to annual review and may be terminated during the
10 term of the charter.

11 (c) A charter may be modified during its initial term
12 or any renewal term upon the recommendation of the sponsor or
13 the charter school governing board and the approval of both
14 parties to the agreement.

15 (d) The governing body of the charter school shall
16 make annual progress reports to its sponsor, which upon
17 verification shall be forwarded to the Commissioner of
18 Education at the same time as other annual school
19 accountability reports. The report shall contain at least the
20 following information:

21 1. The charter school's progress towards achieving the
22 goals outlined in its charter.

23 2. The information required in the annual school
24 report pursuant to s. 229.592.

25 3. Financial records of the charter school, including
26 revenues and expenditures.

27 4. Salary and benefit levels of charter school
28 employees.

29 (e) A sponsor shall ensure that the charter is
30 innovative and consistent with the state education goals
31 established by s. 229.591.

1 (f) Upon receipt of the annual report required by
2 paragraph (d), the Department of Education shall provide to
3 the State Board of Education, the Commissioner of Education,
4 the President of the Senate, and the Speaker of the House of
5 Representatives an analysis and comparison of the overall
6 performance of charter school students, to include all
7 students whose scores are counted as part of the state
8 assessment program, versus comparable public school students
9 in the district as determined by the state assessment program
10 currently administered in the school district, and, as
11 appropriate, the Florida Writes Assessment Test, the High
12 School Competency Test, and other assessments administered
13 pursuant to s. 229.57(3).

14 (g) Whenever a municipality has submitted charter
15 applications for the establishment of a charter school feeder
16 pattern (elementary, middle, and senior high schools), and
17 upon approval of each individual charter application by the
18 district school board, such applications will then be
19 designated as one charter for all purposes listed pursuant to
20 this section.

21 (10) CAUSES FOR NONRENEWAL OR TERMINATION.--

22 (a) At the end of the term of a charter, the sponsor
23 may choose not to renew the charter for any of the following
24 grounds:

- 25 1. Failure to meet the requirements for student
26 performance stated in the charter.
- 27 2. Failure to meet generally accepted standards of
28 fiscal management.
- 29 3. Violation of law.
- 30 4. Other good cause shown.

31 (b) During the term of a charter, the sponsor may

1 terminate the charter for any of the grounds listed in
2 paragraph (a).

3 (c) At least 90 days prior to renewing or terminating
4 a charter, the sponsor shall notify the governing body of the
5 school of the proposed action in writing. The notice shall
6 state in reasonable detail the grounds for the proposed action
7 and stipulate that the school's governing body may, within 14
8 calendar days after receiving the notice, request an informal
9 hearing before the sponsor. The sponsor shall conduct the
10 informal hearing within 30 calendar days after receiving a
11 written request. The charter school's governing body may,
12 within 14 calendar days after receiving the sponsor's decision
13 to terminate or refuse to renew the charter, appeal the
14 decision pursuant to the procedure established in subsection
15 (4).

16 (e) When a charter is not renewed or is terminated,
17 the school shall be dissolved under the provisions of law
18 under which the school was organized, and any unencumbered
19 funds from the charter school shall revert to the district
20 school board. In the event a charter school is dissolved or
21 is otherwise terminated, all district school board property
22 and improvements, furnishings, and equipment purchased with
23 public funds shall automatically revert to full ownership by
24 the district school board, subject to complete satisfaction of
25 any lawful liens or encumbrances.

26 (f) If a charter is not renewed or is terminated, the
27 governing body of the school is responsible for all debts of
28 the charter school. The district may not assume the debt from
29 any contract for services made between the governing body of
30 the school and a third party, except for a debt that is
31 previously detailed and agreed upon in writing by both the

1 district and the governing body of the school and that may not
2 reasonably be assumed to have been satisfied by the district.

3 (g) If a charter is not renewed or is terminated, a
4 student who attended the school may apply to, and shall be
5 enrolled in, another public school. Normal application
6 deadlines shall be disregarded under such circumstances.

7 (11) EXEMPTION FROM STATUTES.--A charter school shall
8 operate in accordance with its charter and shall be exempt
9 from all statutes of the Florida School Code, except those
10 specifically applying to charter schools; those pertaining to
11 the provision of services to students with disabilities; those
12 pertaining to civil rights, including s. 228.2001, relating to
13 discrimination;and those pertaining to student health,
14 safety, and welfare;or as otherwise required by this
15 section. A charter school shall not be exempt from the
16 following statutes: chapter 119, relating to public records,
17 and s. 286.011, relating to public meetings and records,
18 public inspection, and penalties. The sponsor, upon request of
19 a charter school, may apply to the Commissioner of Education
20 for a waiver of provisions of chapters 230 through 239 which
21 are applicable to charter schools under this section, except
22 that the provisions of chapters 236 or 237 shall not be
23 eligible for waiver if the waiver would affect funding
24 allocations or create inequity in public school funding. The
25 commissioner may grant the waiver if necessary to implement
26 the school program.

27 (12) EMPLOYEES OF CHARTER SCHOOLS.--

28 (a) A charter school shall select its own employees. A
29 charter school may contract with its sponsor for the services
30 of personnel employed by the sponsor.

31 (b) Charter school employees shall have the option to

1 bargain collectively. Employees may collectively bargain as a
2 separate unit or as part of the existing district collective
3 bargaining unit as determined by the structure of the charter
4 school.

5 (c) The employees of a conversion charter school shall
6 remain public employees for all purposes, unless such
7 employees choose not to do so.

8 (d) The teachers at a charter school may choose to be
9 part of a professional group that subcontracts with the
10 charter school to operate the instructional program under the
11 auspices of a partnership or cooperative that they
12 collectively own. Under this arrangement, the teachers would
13 not be public employees.

14 (e) Employees of a school district may take leave to
15 accept employment in a charter school upon the approval of the
16 district school board. While employed by the charter school
17 and on leave that is approved by the school board, the
18 employee may retain seniority accrued in that school district
19 and may continue to be covered by the benefit programs of that
20 school district, if the charter school and the district school
21 board agree to this arrangement and its financing. School
22 districts shall not require resignations of teachers desiring
23 to teach in a charter school. This paragraph shall not
24 prohibit a school board from approving alternative leave
25 arrangements consistent with chapter 231.

26 (f) Teachers employed by or under contract to a
27 charter school shall be certified as required by chapter 231.
28 A charter school governing board may employ or contract with
29 skilled selected noncertified personnel to provide
30 instructional services or to assist instructional staff
31 members as education paraprofessionals in the same manner as

1 defined in chapter 231, and as provided by State Board of
2 Education rule for charter school governing boards. A charter
3 school may not employ an individual to provide instructional
4 services or to serve as an education paraprofessional if the
5 individual's certification or licensure as an educator is
6 suspended or revoked by this or any other state. A charter
7 school may not knowingly employ an individual who has resigned
8 from a school district in lieu of disciplinary action with
9 respect to child welfare or safety, or who has been dismissed
10 for just cause by any school district with respect to child
11 welfare or safety. The qualifications of teachers shall be
12 disclosed to parents.

13 (g) A charter school shall employ or contract with
14 employees who have been fingerprinted as provided in s.
15 231.02. Members of the governing board of the charter school
16 shall also be fingerprinted in a manner similar to that
17 provided in s. 231.02 ~~prior to approval of the charter.~~

18 (13) REVENUE.--Students enrolled in a charter school,
19 regardless of the sponsorship, shall be funded as if they are
20 in a basic program or a special program, the same as students
21 enrolled in other public schools in the school district.
22 Funding for a chartered developmental research school shall be
23 as provided in s. 228.053(9).

24 (a) Each charter school shall report its student
25 enrollment to the district school board as required in s.
26 236.081, and in accordance with the definitions in s. 236.013.
27 The district school board shall include each charter school's
28 enrollment in the district's report of student enrollment.

29 (b) The basis for the agreement for funding students
30 enrolled in a charter school shall be the sum of the school
31 district's operating funds from the Florida Education Finance

1 Program as provided in s. 236.081 and the General
2 Appropriations Act, including gross state and local funds,
3 discretionary lottery funds, and funds from the school
4 district's current operating discretionary millage levy;
5 divided by total funded weighted full-time equivalent students
6 in the school district; multiplied by the weighted full-time
7 equivalent students for the charter school. Charter schools
8 whose students or programs meet the eligibility criteria in
9 law shall be entitled to their proportionate share of
10 categorical program funds included in the total funds
11 available in the Florida Education Finance Program by the
12 Legislature, including transportation. Total funding for each
13 charter school will be recalculated during the year to reflect
14 the revised calculations under the Florida Education Finance
15 Program by the state and the actual weighted full-time
16 equivalent students reported by the charter school during the
17 full-time equivalent student survey periods designated by the
18 Commissioner of Education.

19 (c) Transportation of charter school students shall be
20 provided by the charter school consistent with the
21 requirements of chapter 234. The governing body of the charter
22 school may provide transportation through an agreement or
23 contract with the district school board, a private provider,
24 or parents. The charter school and the sponsor shall cooperate
25 in making arrangements that ensure that transportation is not
26 a barrier to equal access for all students residing within a
27 reasonable distance of the charter school as determined in its
28 charter.

29 (d) If the district school board is providing programs
30 or services to students funded by federal funds, any eligible
31 students enrolled in charter schools in the school district

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1 shall be provided federal funds for the same level of service
2 provided students in the schools operated by the district
3 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
4 10306, all charter schools shall receive all federal funding
5 for which the school is otherwise eligible, including Title I
6 funding, not later than 5 months after the charter school
7 first opens and within 5 months after any subsequent expansion
8 of enrollment.

9 (e) Any administrative fee charged by the school
10 district relating to a charter school shall be limited to 5
11 percent of the available funds as defined in paragraph (b).
12 The sponsor shall provide certain administrative and
13 educational services to charter schools at no additional fee.
14 These services shall include contract management services, FTE
15 and data reporting, exceptional student education
16 administration, test administration, processing of teacher
17 certificate data, and information services.

18 (f) School boards shall make every effort to ensure
19 that charter schools receive timely and efficient
20 reimbursement, including processing paperwork required to
21 access special state and federal funding for which they may be
22 eligible. The district school board may distribute funds to a
23 charter school for up to 3 months based on the projected
24 full-time equivalent student membership of the charter school.
25 Thereafter, the results of full-time equivalent student
26 membership surveys must be used in adjusting the amount of
27 funds distributed monthly to the charter school for the
28 remainder of the fiscal year. The payment shall be issued no
29 later than 10 working days after the district school board
30 receives a distribution of state or federal funds. If a
31 warrant for payment is not issued within 30 working days after

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1 receipt of funding by the district school board, the school
2 district shall pay to the charter school, in addition to the
3 amount of the scheduled disbursement, interest at a rate of 1
4 percent per month calculated on a daily basis on the unpaid
5 balance from the expiration of the 30-day period until such
6 time as the warrant is issued.

7 (g) If a district school board facility or property is
8 available because it is surplus, marked for disposal, or
9 otherwise unused, it shall be provided for a charter school's
10 use on the same basis as it is made available to other public
11 schools in the district. A charter school receiving property
12 from the school district may not sell or dispose of such
13 property without written permission of the school district.
14 Similarly, for an existing public school converting to charter
15 status, no rental or leasing fee for the existing facility or
16 for the property normally inventoried to the conversion school
17 may be charged by the district school board to the parents and
18 teachers organizing the charter school. The charter
19 organizers shall agree to reasonable maintenance provisions in
20 order to maintain the facility in a manner similar to district
21 school board standards.

22 (h) If other goods and services are made available to
23 the charter school through the contract with the school
24 district, they shall be provided to the charter school at a
25 rate no greater than the district's actual cost. To maximize
26 the use of state funds, school districts shall allow charter
27 schools to participate in the sponsor's bulk purchasing
28 program if applicable.

29 (14) IMMUNITY.--For the purposes of tort liability,
30 the governing body and employees of a charter school shall be
31 governed by s. 768.28.

1 (15) LENGTH OF SCHOOL YEAR.--A charter school shall
2 provide instruction for at least the number of days required
3 by law for other public schools, and may provide instruction
4 for additional days.

5 (16) FACILITIES.--

6 (a) A charter school shall utilize facilities which
7 comply with the State Uniform Building Code for Public
8 Educational Facilities Construction adopted pursuant to s.
9 235.26 or with applicable state minimum building codes
10 pursuant to chapter 553 and state minimum fire protection
11 codes pursuant to s. 633.025, as adopted by the authority in
12 whose jurisdiction the facility is located.

13 (b) Any facility, or portion thereof, used to house a
14 charter school whose charter has been approved by the sponsor
15 and the governing board, pursuant to subsection (9), shall be
16 exempt from ad valorem taxes pursuant to s. 196.1983.

17 (c) After January 1, 2001, charter school facilities
18 shall utilize facilities which comply with the Florida
19 Building Code, pursuant to chapter 553, and the Florida Fire
20 Prevention Code, pursuant to chapter 633.

21 (17) INITIAL COSTS.--A sponsor may approve a charter
22 for a charter school before the applicant has secured space,
23 equipment, or personnel, if the applicant indicates approval
24 is necessary for it to raise working capital.

25 (18) INFORMATION.--The Department of Education shall
26 provide information to the public, directly and through
27 sponsors, both on how to form and operate a charter school and
28 on how to enroll in charter schools once they are created.
29 This information shall include a standard application format
30 which shall include the information specified in subsection
31 (9). This application format may be used by chartering

1 entities.

2 (19) GENERAL AUTHORITY.--A charter school shall not
3 levy taxes or issue bonds secured by tax revenues.

4 (20) REVIEW.--

5 (a) The Department of Education shall regularly
6 convene a Charter School Review Panel in order to review
7 issues, practices, and policies regarding charter schools. The
8 composition of the review panel shall include individuals with
9 experience in finance, administration, law, education, and
10 school governance, and individuals familiar with charter
11 school construction and operation. The panel shall include two
12 appointees each from the Commissioner of Education, the
13 President of the Senate, and the Speaker of the House of
14 Representatives. The Governor shall appoint three members of
15 the panel and shall designate the chair. Each member of the
16 panel shall serve a 1-year term, unless renewed by the office
17 making the appointment. The panel shall make recommendations
18 to the Legislature, to the Department of Education, to charter
19 schools, and to school districts for improving charter school
20 operations and oversight and for ensuring best business
21 practices at and fair business relationships with charter
22 schools.

23 (b) The Legislature shall review the operation of
24 charter schools during the 2005 ~~2000~~ Regular Session of the
25 Legislature.

26 (21) RULEMAKING.--The Department of Education, after
27 consultation with school districts and charter school
28 directors, shall recommend that the State Board of Education
29 adopt rules to implement specific subsections of this section.
30 Such rules shall require minimum paperwork and shall not limit
31 charter school flexibility authorized by statute.

1 (22) CHARTER SCHOOLS-IN-THE-WORKPLACE.--

2 (a) In order to increase business partnerships in
3 education, to reduce school and classroom overcrowding
4 throughout the state, and to offset the high costs for
5 educational facilities construction, the Legislature intends
6 to encourage the formation of business partnership schools or
7 satellite learning centers through charter school status.

8 (b) A charter school-in-the-workplace may be
9 established when a business partner provides the school
10 facility to be used; enrolls students based upon a random
11 lottery which involves all of the children of employees of
12 that business or corporation who are seeking enrollment, as
13 provided for in subsection (6); and enrolls students according
14 to the racial/ethnic balance provisions described in
15 subparagraph (9)(a)8. Any portion of a facility used for a
16 public charter school shall be exempt from ad valorem taxes,
17 as provided for in s. 235.198, for the duration of its use as
18 a public school.

19 Section 4. Subsections (1) and (3) of section
20 228.0561, Florida Statutes, are amended to read:

21 228.0561 Charter schools capital outlay funding.--

22 (1) In each year in which funds are appropriated for
23 charter school capital outlay purposes, the Commissioner of
24 Education shall allocate the funds among eligible charter
25 schools. To be eligible for a funding allocation, a charter
26 school must meet the provisions of subsection (6), must have
27 received final approval from its sponsor pursuant to s.
28 228.056 for operation during that fiscal year, and must serve
29 students in facilities that are not provided by the charter
30 school's sponsor. Prior to the release of capital outlay
31 funds to a school district on behalf of the charter school,

1 the Department of Education shall ensure that the district
2 school board and the charter school governing board enter into
3 a written agreement that includes provisions for the reversion
4 of any unencumbered funds and all equipment and property
5 purchased with public education funds to the ownership of the
6 district school board, as provided for in subsection (3), in
7 the event that the school terminates operations. Any funds
8 recovered by the state shall be deposited in the General
9 Revenue Fund. A charter school is not eligible for a funding
10 allocation if it was created by the conversion of a public
11 school and operates in facilities provided by the charter
12 school's sponsor for a nominal fee or at no charge. Unless
13 otherwise provided in the General Appropriations Act, the
14 funding allocation for each eligible charter school shall be
15 determined by multiplying the school's projected student
16 enrollment by one-fifteenth ~~one-thirteenth~~ of the
17 cost-per-student station specified in s. 235.435(6)(b) for an
18 elementary, middle, or high school, as appropriate. If the
19 funds appropriated are not sufficient, the commissioner shall
20 prorate the available funds among eligible charter schools.
21 ~~In the first quarter of the fiscal year,~~Funds shall be
22 distributed on the basis of the capital outlay full-time
23 equivalent membership by grade level, which shall be
24 calculated by averaging the results of the second and third
25 enrollment surveys. Sixty percent of the funds shall be
26 distributed after the second enrollment survey and the balance
27 shall be distributed after the third enrollment survey
28 ~~projected enrollment as provided in this section.~~ The
29 commissioner shall adjust subsequent distributions as
30 necessary to reflect each charter school's actual student
31 enrollment. The commissioner shall establish the intervals

1 and procedures for determining the projected and actual
2 student enrollment of eligible charter schools. ~~if a school~~
3 ~~district chooses to share funding for the capital outlay~~
4 ~~purposes described in subsection (2) with the applicable~~
5 ~~charter school or charter schools, any allocation of charter~~
6 ~~school capital outlay funds to the charter school or charter~~
7 ~~schools shall be reduced by the amount shared.~~

8 (3) When a charter school is nonrenewed or terminated,
9 any unencumbered funds and all equipment and property
10 purchased with district public funds shall revert to the
11 ownership of the district school board, as provided for in s.
12 228.056(10)(e) and (f). In the case of a developmental
13 research school established pursuant to s. 228.053 to which a
14 charter has been issued, any unencumbered funds and all
15 equipment and property purchased with university public funds
16 shall revert to the ownership of the state university that
17 issued the charter.The reversion of such equipment, property,
18 and furnishings shall focus on recoverable assets, but not on
19 intangible or irrecoverable costs such as rental or leasing
20 fees, normal maintenance, and limited renovations. The
21 reversion of all property secured with public funds is subject
22 to the complete satisfaction of all lawful liens or
23 encumbrances.If there are additional local issues such as the
24 shared use of facilities or partial ownership of facilities or
25 property, these issues shall be agreed to in the charter
26 contract prior to the expenditure of funds.

27 Section 5. Section 228.0581, Florida Statutes, is
28 created to read:

29 228.0581 Conversion charter school pilot program.--

30 (1) The conversion charter school pilot program is
31 hereby established with the intent to provide incentives for

1 local school districts to approve conversion charter schools.

2 (2) The conversion charter school pilot program shall
3 be a statewide pilot program in which 10 schools shall be
4 selected based on a competitive application process in
5 accordance with this section.

6 (3) The purpose of the pilot program is to produce
7 significant improvements in student achievement and school
8 management, to encourage and measure the use of innovative
9 learning methods, and to make the school the unit for
10 improvement.

11 (4) Each school principal or a majority of the parents
12 of students attending the school, a majority of the school's
13 teachers, or a majority of the members of the school advisory
14 council, may apply to the school district to participate in
15 this pilot program on forms which shall be provided by the
16 Department of Education. The forms shall include
17 acknowledgement by the principal of applicable provisions of
18 ss. 228.056 and 228.0561. For purposes of this paragraph, "a
19 majority of the parents of students attending the school"
20 means more than 50 percent of the parents voting whose
21 children are enrolled at the school, provided that a majority
22 of the parents eligible to vote participate in the ballot
23 process; and "a majority of the school's teachers" means more
24 than 50 percent of the teachers employed at the school,
25 according to procedures established by rule of the State Board
26 of Education pursuant to s. 228.056(3).

27 (5) A person or group who has applied to participate
28 in the pilot program created by this section, pursuant to
29 subsection (4), shall not be subject to an unlawful reprisal,
30 as defined by s. 228.056(3)(b), as a consequence of such
31 application. The procedures established by s. 228.056(3)

1 shall apply to any alleged unlawful reprisal which occurs as a
2 consequence of such application.

3 (6) A district school board shall receive and review
4 all applications by principals, parents, teachers, or school
5 advisory council members to participate in the pilot project;
6 shall select the best applications; and shall submit these
7 applications, together with the district school board's letter
8 of endorsement and commitment of support and cooperation
9 toward the success of program implementation, for review by
10 the statewide selection panel established pursuant to
11 subsection (7).

12 (7) A conversion charter school pilot program
13 statewide selection panel is established. The panel shall be
14 comprised of the following nine members who are not elected
15 public officials:

16 (a) Three members shall be appointed by the Governor.

17 (b) Two members shall be appointed by the Commissioner
18 of Education.

19 (c) Two members shall be appointed by the President of
20 the Senate.

21 (d) Two members shall be appointed by the Speaker of
22 the House of Representatives.

23
24 The panel shall review the conversion charter school pilot
25 program applications submitted by the district school boards
26 and shall select the 10 applications which the panel deems
27 best comply with the purpose of the program pursuant to
28 subsection (3).

29 (8) Each district school board in which there is a
30 school selected by the statewide panel for participation in
31 the pilot program shall receive a grant for the 2001-2002

1 school year as follows, or as otherwise specified in the
2 General Appropriations Act:
3 (a) One hundred thousand dollars for planning and
4 development for each conversion charter school selected; and
5 (b)1. Eighty thousand dollars for each conversion
6 charter school selected with 500 or fewer students;
7 2. One hundred thousand dollars for each conversion
8 charter school selected with more than 500 but fewer than
9 1,001 students; or
10 3. One hundred twenty thousand dollars for each
11 conversion charter school selected with more than 1,000
12 students.
13
14 The Commissioner of Education is authorized to reduce the
15 district's 2002-2003 FEFP funding entitlement by the amount of
16 the grant awarded under this subsection if he or she
17 determines that the district has failed to comply with its
18 letter of endorsement and commitment of support and
19 cooperation submitted under subsection (6).
20 (9) Each conversion charter school selected for
21 participation in the pilot program shall make annual progress
22 reports to the district school board and the Commissioner of
23 Education detailing the school's progress in achieving the
24 purpose of the program as described in subsection (3).
25 Section 6. Section 236.0817, Florida Statutes, is
26 amended to read:
27 236.0817 Developmental research schools; eligibility
28 for categorical funding.--Categorical funds for developmental
29 research schools, including a developmental research school to
30 which a charter has been issued pursuant to s. 228.056(4)(e),
31 shall be allocated pursuant to s. 228.053(9)(a).

1 Section 7. Subsections (2) and (9) of section 228.053,
2 Florida Statutes, are amended to read:

3 228.053 Developmental research schools.--

4 (2) ESTABLISHMENT.--There is established a category of
5 public schools to be known as developmental research schools.
6 Each developmental research school shall provide sequential
7 instruction and shall be affiliated with the college of
8 education within the state university of closest geographic
9 proximity. A developmental research school to which a charter
10 has been issued under s. 228.056(4)(e) must be affiliated with
11 the college of education within the state university that
12 issued the charter, but is not subject to the requirement that
13 the state university be of closest geographic proximity.For
14 the purpose of state funding, Florida Agricultural and
15 Mechanical University, Florida Atlantic University, Florida
16 State University, the University of Florida, and other
17 universities approved by the Board of Regents, the State Board
18 of Education, and the Legislature are authorized to sponsor
19 developmental research schools.

20 (9) FUNDING.--Funding for a developmental research
21 school, including a developmental research school to which a
22 charter has been issued under s. 228.056(4)(e), shall be
23 provided as follows:

24 (a) Each developmental research school shall be
25 allocated its proportional share of operating funds from the
26 Florida Education Finance Program as provided in s. 236.081
27 and the General Appropriations Act. The nonvoted ad valorem
28 millage that would otherwise be required for developmental
29 research schools shall be allocated from state funds. The
30 required local effort funds calculated pursuant to s. 236.081
31 shall be allocated from state funds to the schools as a part

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1 of the allocation of operating funds pursuant to s. 236.081.
2 Each eligible developmental research school shall also receive
3 a proportional share of the sparsity supplement as calculated
4 pursuant to s. 236.081. In addition, each developmental
5 research school shall receive its proportional share of all
6 categorical funds, with the exception of s. 236.083, and new
7 categorical funds enacted after July 1, 1994, for the purpose
8 of elementary or secondary academic program enhancement. The
9 sum of funds available as provided in this paragraph shall be
10 included annually in the Florida Education Finance Program and
11 appropriate categorical programs funded in the General
12 Appropriations Act.

13 (b) There is created a Developmental Research School
14 Educational Facility Trust Fund to be administered by the
15 Commissioner of Education. Allocations from such fund shall be
16 expended solely for the purpose of facility construction,
17 repair, renovation, remodeling, site improvement, or
18 maintenance. The commissioner shall administer the fund in
19 accordance with ss. 235.41-235.435.

20 (c) All operating funds provided under this section
21 shall be deposited in a Developmental Research School Trust
22 Fund in the State Treasury and shall be expended for the
23 purposes of this section. The university assigned a
24 developmental research school shall be the fiscal agent for
25 these funds, and all rules of the university governing the
26 budgeting and expenditure of state funds shall apply to these
27 funds unless otherwise provided by law or rule of the State
28 Board of Education. The Board of Regents shall be the public
29 employer of developmental research school personnel for
30 collective bargaining purposes.

31 (d) Each developmental research school shall receive

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1 funds for operating purposes in an amount determined as
2 follows: multiply the maximum allowable nonvoted discretionary
3 millage for operations pursuant to s. 236.25(1) by the value
4 of 95 percent of the current year's taxable value for school
5 purposes for the district in which each developmental research
6 school is located; divide the result by the total full-time
7 equivalent membership of the district; and multiply the result
8 by the full-time equivalent membership of the developmental
9 research school. The amount thus obtained shall be
10 discretionary operating funds and shall be appropriated from
11 state funds in the General Appropriations Act to the
12 Developmental Research School Trust Fund.

13 (e) Each developmental research school shall receive
14 funds for capital improvement purposes in an amount determined
15 as follows: multiply the maximum allowable nonvoted
16 discretionary millage for capital improvements pursuant to s.
17 236.25(2) by the value of 95 percent of the current year's
18 taxable value for school purposes for the district in which
19 each developmental research school is located; divide the
20 result by the total full-time equivalent membership of the
21 district; and multiply the result by the full-time equivalent
22 membership of the developmental research school. The amount
23 thus obtained shall be discretionary capital improvement funds
24 and shall be appropriated from state funds in the General
25 Appropriations Act to the Developmental Research School
26 Educational Facility Trust Fund. ~~For purposes of this~~
27 ~~paragraph, the full-time equivalent membership of the~~
28 ~~developmental research school shall not include the 25~~
29 ~~unweighted full-time equivalent count specified in paragraph~~
30 ~~(h).~~

31 (f) In addition to the funds appropriated for capital

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1 outlay budget needs, developmental research schools may
2 receive specific funding as specified in the General
3 Appropriations Act for upgrading, renovating, and remodeling
4 science laboratories.

5 (g) Each developmental research school is designated a
6 teacher education center and may provide inservice training to
7 school district personnel. The Department of Education shall
8 provide funds to the Developmental Research School Trust Fund
9 for this purpose from appropriations for inservice teacher
10 education.

11 (h) A developmental research school to which a charter
12 has been issued under s. 228.056(4)(e), is eligible to receive
13 funding for charter school capital outlay if it meets the
14 eligibility requirements of s. 228.0561. If the developmental
15 research school receives funds from charter school capital
16 outlay, the school shall receive capital outlay funds
17 otherwise provided in this subsection only to the extent that
18 funds allocated pursuant to s. 228.0561 are insufficient to
19 provide capital outlay funds to the developmental research
20 school at one-fifteenth of the cost per student station.

21 Section 8. Subsection (4) of section 228.505, Florida
22 Statutes, is amended to read:

23 228.505 Charter technical career centers.--

24 (4) CHARTER.--A sponsor may designate centers as
25 provided in this section. An application to establish a
26 center may be submitted by a sponsor or another organization
27 that is determined, by rule of the State Board of Education,
28 to be appropriate. However, an independent school is not
29 eligible for status as a center. The charter must be signed
30 by the governing body of the center and the sponsor, and must
31 be approved by the district school board and community college

1 board of trustees in whose geographic region the facility is
2 located. If a charter technical career center is established
3 by the conversion to charter status of a public technical
4 center formerly governed by a district school board, the
5 charter status of that center takes precedence in any question
6 of governance. The governance of the center or of any program
7 within the center remains with its board of directors unless
8 the board agrees to a change in governance or its charter is
9 revoked as provided in subsection (15). Such a conversion
10 charter technical career center is not affected by a change in
11 the governance of public technical centers or of programs
12 within other centers that are or have been governed by
13 district school boards. A charter technical career center, or
14 any program within such a center, that was governed by a
15 school board and transferred to a community college prior to
16 the effective date of this act is not affected by this
17 provision. An applicant who wishes to establish a center must
18 submit to the local school board or community college district
19 board of trustees, or a consortium of one or more of each, an
20 application that includes:

- 21 (a) The name of the proposed center.
- 22 (b) The proposed structure of the center, including a
23 list of proposed members of the board of directors or a
24 description of the qualifications for and method of their
25 appointment or election.
- 26 (c) The workforce development goals of the center, the
27 curriculum to be offered, and the outcomes and the methods of
28 assessing the extent to which the outcomes are met.
- 29 (d) The admissions policy and criteria for evaluating
30 the admission of students.
- 31 (e) A description of the staff responsibilities and

1 the proposed qualifications of the teaching staff.

2 (f) A description of the procedures to be implemented
3 to ensure significant involvement of representatives of
4 business and industry in the operation of the center.

5 (g) A method for determining whether a student has
6 satisfied the requirements for graduation specified in s.
7 232.246 and for completion of a postsecondary certificate or
8 degree.

9 (h) A method for granting secondary and postsecondary
10 diplomas, certificates, and degrees.

11 (i) A description of and address for the physical
12 facility in which the center will be located.

13 (j) A method of resolving conflicts between the
14 governing body of the center and the sponsor and between
15 consortium members, if applicable.

16 (k) A method for reporting student data as required by
17 law and rule.

18 (l) Other information required by the local school
19 board or community college district board of trustees.

20
21 Students at a center must meet the same testing and academic
22 performance standards as those established by law and rule for
23 students at public schools and public technical centers. The
24 students must also meet any additional assessment indicators
25 that are included within the charter approved by the district
26 school board or community college district board of trustees.

27 Section 9. This act shall take effect July 1, 2000.

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

31 And the title is amended as follows:

556-218AXA-38

Bill No. HB 2087, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 remove from the title of the bill: the entire title

2

3 and insert in lieu thereof:

4

A bill to be entitled

5

An act relating to charter schools; creating s.

6

196.1983, F.S.; providing an exemption from ad

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valorem taxes for facilities used to house

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charter schools; amending s. 196.29, F.S.;

9

providing for the cancellation of certain taxes

10

on real property acquired by a charter school

11

governing board; amending s. 228.056, F.S.;

12

revising who is authorized to submit an

13

application to convert an existing public

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school to a charter school; prohibiting

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unlawful reprisals against district school

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board employees as a result of direct or

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indirect involvement in an application to

18

establish a charter school; establishing

19

procedures for reviewing and deciding alleged

20

unlawful reprisals; revising the date by which

21

charter school applications must be submitted

22

to the district school board; providing an

23

appeal process for failure of a district school

24

board to act on a charter school application;

25

requiring district school boards to provide

26

certain information relating to charter schools

27

to the Department of Education; clarifying the

28

timeframe for charter school approval or

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denial; requiring the award of reasonable

30

attorney fees and costs incurred to the

31

prevailing party in a charter school dispute;

1 exempting conversion charter schools from being
2 counted toward the number of charter schools in
3 the district for purposes of a limit;
4 authorizing district school boards or charter
5 school applicants to request an increase of the
6 limit on the number of charter schools in the
7 district; providing student eligibility
8 requirements for charter schools established by
9 developmental research schools; authorizing
10 enrollment preference to be given to the child
11 of a member of the governing board of a charter
12 school; authorizing a developmental research
13 school to which a charter has been issued to
14 charge a student activity and service fee;
15 requiring a charter school to comply with
16 certain cost accounting and reporting
17 requirements; establishing the term of a
18 charter issued to a developmental research
19 school; providing an exception to a requirement
20 for alternative arrangements for teachers who
21 choose not to teach in a developmental research
22 school to which a charter has been issued;
23 clarifying that a charter may not be renewed if
24 grounds for nonrenewal have been documented;
25 revising eligibility requirements for a 15-year
26 charter renewal; requiring the recommendation
27 of the charter school governing board for
28 modification of a charter; specifying that
29 reversion of ownership of charter school
30 property is subject to satisfaction of any
31 lawful liens or encumbrances; revising

556-218AXA-38

Bill No. HB 2087, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 exemptions from statutes to specify certain
2 statutes that charter schools must comply with;
3 deleting the requirement that members of the
4 governing board of a charter school be
5 fingerprinted prior to approval of the charter;
6 providing notice of a tax exemption; requiring
7 facilities used as charter schools to be in
8 compliance with certain safety requirements;
9 clarifying and conforming terminology;
10 requiring the Legislature to review the
11 operation of charter schools during the 2005
12 Regular Session of the Legislature; amending s.
13 228.0561, F.S.; revising the calculation for
14 the funding allocation for charter school
15 capital outlay; providing requirements for the
16 distribution of such funds; deleting provisions
17 relating to the sharing of funds for capital
18 outlay purposes; providing for the reversion of
19 property and funds of a developmental research
20 charter school upon nonrenewal or termination;
21 specifying that the reversion of charter school
22 property is subject to the satisfaction of all
23 lawful liens or encumbrances; creating s.
24 228.0581, F.S.; establishing a statewide
25 conversion charter school pilot program;
26 providing intent and purpose; providing for
27 application for participation in the pilot
28 program by school principals, parents,
29 teachers, or school advisory council members;
30 prohibiting unlawful reprisals as a result of
31 applying to participate in the pilot program;

1 providing procedures for reviewing and deciding
2 alleged unlawful reprisals; providing
3 requirements for district school boards;
4 establishing a program selection panel and
5 providing membership and duties; authorizing
6 grants to participating districts and
7 reductions in funding for violations of
8 requirements; requiring annual progress
9 reports; amending s. 236.0817, F.S.; clarifying
10 eligibility for categorical funding for
11 developmental research schools to which a
12 charter has been issued; amending s. 236.053,
13 F.S.; providing requirements relating to
14 charters issued to developmental research
15 schools; clarifying provisions relating to
16 funding; deleting obsolete language; providing
17 additional funds for developmental research
18 schools to which a charter has been issued;
19 amending s. 228.505, F.S.; establishing
20 provisions relating to the governance of a
21 charter technical career center; providing an
22 effective date.

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