

By the Committee on Education Innovation and
Representative Melvin

1 A bill to be entitled
2 An act relating to charter schools; creating s.
3 220.1835, F.S.; authorizing a tax credit for
4 businesses that contribute facility space for
5 use by a public charter school, or a core
6 facility for use as a public educational
7 facility, for kindergarten through grade 12;
8 providing requirements for receipt of the tax
9 credit; limiting the amount of the tax credit
10 that may be granted annually; amending s.
11 228.056, F.S.; revising who is authorized to
12 submit an application to convert an existing
13 public school to a charter school; prohibiting
14 unlawful reprisals against district school
15 board employees as a result of direct or
16 indirect involvement in an application to
17 establish a charter school; establishing
18 procedures for reviewing and deciding alleged
19 unlawful reprisals; revising the date by which
20 charter school applications must be submitted
21 to the district school board; revising the
22 timeframe for charter school approval or
23 denial; requiring the award of reasonable
24 attorney fees and costs incurred to the
25 prevailing party in a charter school dispute;
26 exempting conversion charter schools from being
27 counted toward the number of charter schools in
28 the district for purposes of a limit;
29 authorizing district school boards or charter
30 school applicants to request an increase of the
31 limit on the number of charter schools in the

1 district; authorizing the establishment of
2 academic, artistic, or other standards as
3 conditions for eligibility; requiring a charter
4 school to comply with certain cost accounting
5 and reporting requirements; requiring a charter
6 school governing board to consult with the
7 Department of Education when addressing how
8 rates of progress will be compared to those of
9 comparable student populations in the charter;
10 requiring a charter to address the capacity of
11 the charter school; clarifying that a charter
12 may not be renewed if grounds for nonrenewal
13 have been documented; revising the timeframe
14 for notice of renewal or termination of a
15 charter; providing for the division of equity
16 upon charter school nonrenewal or termination;
17 providing notice of a tax credit; defining
18 "information services"; clarifying and
19 conforming terminology; amending s. 228.0561,
20 F.S.; revising the calculation for the funding
21 allocation for charter school capital outlay;
22 providing for the division of equity upon
23 charter school nonrenewal or termination;
24 creating s. 228.0581, F.S.; establishing a
25 statewide conversion charter school pilot
26 program; providing intent and purpose;
27 providing for application for participation in
28 the pilot program by school principals,
29 parents, teachers, or school advisory council
30 members; prohibiting unlawful reprisals as a
31 result of applying to participate in the pilot

1 program; providing procedures for reviewing and
2 deciding 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; providing an effective date.

10

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

12

13 Section 1. Section 220.1835, Florida Statutes, is
14 created to read:

15 220.1835 Educational facility contribution tax
16 credit.--Beginning July 1, 2001, there shall be allowed a tax
17 credit of 50 percent against the tax imposed by this chapter
18 to any business that contributes facility space for use by a
19 public charter school, or a core facility for use as a public
20 educational facility, for kindergarten through grade 12;
21 provided the business has no financial interest in the charter
22 school. For purposes of this section, the terms "core
23 facility" and "educational facility" shall be defined by s.
24 235.011.

25 (1) No business firm shall receive more than \$200,000
26 in annual tax credits for all approved contributions under
27 this section made in any 1 year.

28 (2) The total amount of tax credit which may be
29 granted for all contributions approved under this section
30 shall not exceed \$10 million annually.

31

1 (3) The granting of tax credit under this section
2 shall require the prior approval of the Department of
3 Education, at the request of the district school board.

4 (4) If the credit granted pursuant to this section is
5 not fully used in any 1 year, the unused amount may be carried
6 forward for a period not to exceed 5 years. The carryover
7 credit may be used in a subsequent year when the tax imposed
8 by this chapter for such year exceeds the credit for such year
9 under this section after applying the other credits and unused
10 credit carryovers in the order provided in s. 220.02(10).

11 (5) A taxpayer who files a Florida consolidated return
12 as a member of an affiliated group pursuant to s. 220.131(1)
13 may be allowed the credit on a consolidated return basis.

14 Section 2. Subsection (3), paragraphs (a), (b), (c),
15 and (f) of subsection (4), subsection (5), paragraph (c) of
16 subsection (6), paragraphs (a) and (b) of subsection (9),
17 paragraphs (c) and (e) of subsection (10), paragraph (g) of
18 subsection (12), paragraph (e) of subsection (13), and
19 subsection (16) of section 228.056, Florida Statutes, are
20 amended, and paragraph (i) is added to subsection (8) of said
21 section, to read:

22 228.056 Charter schools.--

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

24 (a) An application ~~A proposal~~ for a new charter school
25 may be made by an individual, teachers, parents, a group of
26 individuals, a municipality, or a legal entity organized under
27 the laws of this state. The district school board or the
28 principal, teachers, parents, and/or the school advisory
29 council at an existing public school, including a public
30 school-within-a-school that is designated as a school by the
31 district school board, shall submit any application ~~proposal~~

1 for converting the school to a charter school. An application
2 submitted proposing to convert an existing public school to a
3 charter school shall demonstrate the support of at least 50
4 percent of the teachers employed at the school and 50 percent
5 of the parents voting whose children are enrolled at the
6 school, provided that a majority of the parents eligible to
7 vote participate in the ballot process, according to
8 procedures established by rules of the state board. A private
9 school, parochial school, or home education program shall not
10 be eligible for charter school status.

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

1 or indirect involvement with an application to establish a
2 charter school:

3 1. Within 60 days after a reprisal prohibited by this
4 subsection, an employee may file a complaint with the
5 Department of Education.

6 2. Within 3 working days after receiving a complaint
7 under this section, the department shall acknowledge receipt
8 of the complaint and provide copies of the complaint and any
9 other relevant preliminary information available to each of
10 the other parties named in the complaint, which parties shall
11 each acknowledge receipt of such copies to the complainant.

12 3. If the department determines that the complaint
13 demonstrates reasonable cause to suspect that an unlawful
14 reprisal has occurred, the department shall conduct an
15 investigation to produce a fact-finding report.

16 4. Within 90 days after receiving the complaint, the
17 department shall provide the superintendent of schools of the
18 complainant's district and the complainant with a fact-finding
19 report that may include recommendations to the parties or
20 proposed resolution of the complaint. The fact-finding report
21 shall be presumed admissible in any subsequent or related
22 administrative or judicial review.

23 5. If the department determines that reasonable
24 grounds exist to believe that an unlawful reprisal has
25 occurred, is occurring, or is to be taken, and is unable to
26 conciliate a complaint within 60 days after receipt of the
27 fact-finding report, the department shall terminate the
28 investigation. Upon termination of any investigation, the
29 department shall notify the complainant and the superintendent
30 of schools of the termination of the investigation, providing
31 a summary of relevant facts found during the investigation and

1 the reasons for terminating the investigation. A written
2 statement under this paragraph is presumed admissible as
3 evidence in any judicial or administrative proceeding.

4 6. The department shall either contract with the
5 Division of Administrative Hearings under s. 120.65, or
6 otherwise provide for a complaint for which the department
7 determines reasonable grounds exist to believe that an
8 unlawful reprisal has occurred, is occurring, or is to be
9 taken, and is unable to conciliate, to be heard by a panel of
10 impartial persons. Upon hearing the complaint, the panel must
11 make findings of fact and conclusions of law for a final
12 decision by the department.

13
14 It shall be an affirmative defense to any action brought
15 pursuant to this section that the adverse action was
16 predicated upon grounds other than, and would have been taken
17 absent, the employee's exercise of rights protected by this
18 section.

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

23 1. Reinstatement of the employee to the same position
24 held before the unlawful reprisal was commenced, or to an
25 equivalent position, or payment of reasonable front pay as
26 alternative relief.

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

29 3. Compensation, if appropriate, for lost wages,
30 benefits, or other lost remuneration caused by the unlawful
31 reprisal.

1 4. Payment of reasonable costs, including attorney's
2 fees, to a substantially prevailing employee, or to the
3 prevailing employer if the employee filed a frivolous action
4 in bad faith.

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

7 6. Temporary reinstatement to the employee's former
8 position or to an equivalent position, pending the final
9 outcome on the complaint, if it is determined that the action
10 was not made in bad faith or for a wrongful purpose, and did
11 not occur after a district school board's initiation of a
12 personnel action against the employee which includes
13 documentation of the employee's violation of a disciplinary
14 standard or performance deficiency.

15 (4) SPONSOR.--A district school board may sponsor a
16 charter school in the county over which the board has
17 jurisdiction.

18 (a) A district school board shall receive and review
19 all applications for a charter school. A district school board
20 shall receive and consider charter school applications
21 received on or before October 1 ~~through at least November 15~~
22 of each calendar year for charter schools to be opened at the
23 beginning of the school district's next school year, or to be
24 opened at a time agreed to by the applicant and the district
25 school board. A district school board may receive
26 applications later than this date if it chooses. In order to
27 facilitate an accurate budget projection process, a district
28 school board shall be held harmless for FTE students which are
29 not included in the FTE projection due to approval of charter
30 school applications after the FTE projection deadline. A
31 district school board must by a majority vote approve or deny

1 an application no later than 60 calendar days after the
2 application is received, unless the district school board and
3 the applicant mutually agree to temporarily postpone the vote
4 to a specific date, at which time the district school board
5 must by a majority vote approve or deny the application. If an
6 application is denied, the district school board must, within
7 10 calendar days, articulate in writing the specific reasons
8 based upon good cause supporting its denial of the charter
9 application. Upon approval of a charter application, the
10 initial startup must be consistent with the beginning of the
11 public school calendar for the district in which the charter
12 is granted unless the district school board allows a waiver of
13 this provision for good cause.

14 (b) An applicant may appeal any denial of that
15 person's application to the State Board of Education no later
16 than 30 calendar days after the district school board's
17 decision and shall notify the district school board of its
18 appeal. Any response of the school board shall be submitted
19 to the state board within 30 calendar days after notification
20 of the appeal. The state board must by majority vote accept or
21 reject the decision of the district school board no later than
22 60 calendar days after an appeal is filed in accordance with
23 state board rule. The state board may reject an appeal
24 submission for failure to comply with procedural rules
25 governing the appeals process. The rejection shall describe
26 the submission errors. The appellant may have up to 15
27 calendar days from notice of rejection to resubmit an appeal
28 that meets requirements of rule. An application for appeal
29 submitted subsequent to such rejection shall be considered
30 timely if the original appeal was filed within 30 calendar
31 days after the school board denial. The state board shall

1 remand the application to the district school board with its
2 written recommendation that the district board approve or deny
3 the application consistent with the state board's decision.
4 The decision of the State Board of Education is not subject to
5 the provisions of the Administrative Procedure Act, chapter
6 120.

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

22 (f) The terms and conditions for the operation of a
23 charter school shall be set forth by the sponsor and the
24 applicant in a written contractual agreement, called a
25 charter. The sponsor shall not impose unreasonable rules or
26 regulations that violate the intent of giving charter schools
27 greater flexibility to meet educational goals. The applicant
28 and sponsor shall have 6 months in which to mutually agree to
29 the provisions of the charter ~~contract~~. The Department of
30 Education shall provide mediation services for any dispute
31 regarding this section subsequent to the approval of a charter

1 application, except disputes regarding charter school
2 application denials. If the Commissioner of Education
3 determines that the dispute cannot be settled through
4 mediation, the dispute may be appealed to an administrative
5 law judge appointed by the Division of Administrative
6 Hearings. The administrative law judge may rule on issues of
7 equitable treatment of the charter school as a public school,
8 whether proposed provisions of the charter contract violate
9 the intended flexibility granted charter schools by statute,
10 or on any other matter regarding this section except a charter
11 school application denial, and shall award the prevailing
12 party reasonable attorney's fees and costs incurred to be paid
13 by the losing party. The costs of the administrative hearing
14 shall be paid by the party whom the administrative law judge
15 rules against.

16 (5) NUMBER OF SCHOOLS.--

17 (a) The number of newly created charter schools ~~or~~
18 ~~existing public schools which may convert to charter schools~~
19 is limited to no more than 28 in each school district that has
20 100,000 or more students, no more than 20 in each school
21 district that has 50,000 to 99,999 students, and no more than
22 12 in each school district with fewer than 50,000 students.

23 (b) An existing public school which converts to a
24 charter school shall not be counted towards the limit
25 established by paragraph (a).

26
27 Notwithstanding any limit established by this subsection, a
28 district school board or a charter school applicant shall have
29 the right to request an increase of the limit on the number of
30 charter schools authorized to be established within the
31 district from the State Board of Education.

1 (6) ELIGIBLE STUDENTS.--

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

4 1. Students within specific age groups or grade
5 levels.

6 2. Students considered at risk of dropping out of
7 school or academic failure. Such students shall include
8 exceptional education students.

9 3. Students enrolling in a charter
10 school-in-the-workplace established pursuant to subsection
11 (22).

12 4. Students residing within a reasonable distance of
13 the charter school, as described in paragraph (13)(c). Such
14 students shall be subject to a random lottery and to the
15 racial/ethnic balance provisions described in subparagraph
16 (9)(a)8. or any federal provisions which require a school to
17 achieve a racial/ethnic balance reflective of the community it
18 serves or within the racial/ethnic range of other public
19 schools in the same school district.

20 5. Students who meet reasonable academic, artistic, or
21 other reasonable standards that are nondiscriminatory,
22 established by the governing board in accordance with state
23 law and current practice in existing public schools.

24 (8) REQUIREMENTS.--

25 (i) In order to provide financial information that is
26 comparable to that reported for other public schools, charter
27 schools are to maintain all financial records which constitute
28 their accounting system in accordance with the accounts and
29 codes prescribed in the most recent issuance of the
30 publication titled "Financial and Program Cost Accounting and
31 Reporting for Florida Schools." Charter schools are to provide

1 annual financial report and program cost report information in
2 the state-required formats for inclusion in district reporting
3 in compliance with s. 236.02(1). Charter schools which are
4 operated by a municipality or are a component unit of a parent
5 nonprofit organization may use the accounting system of the
6 municipality or the parent, but must reformat this information
7 for reporting according to this paragraph.

8 (9) CHARTER.--The major issues involving the operation
9 of a charter school shall be considered in advance and written
10 into the charter. The charter shall be signed by the governing
11 body of the charter school and the sponsor, following a public
12 hearing to ensure community input.

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

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

17 2. The focus of the curriculum, the instructional
18 methods to be used, and any distinctive instructional
19 techniques to be employed.

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

24 a. How the baseline student academic achievement
25 levels and prior rates of academic progress will be
26 established.†

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

30 c. To the extent possible, in consultation with the
31 Department of Education, how these rates of progress will be

1 evaluated and compared with rates of progress of other closely
2 comparable student populations.

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

8 5. In secondary charter schools, a method for
9 determining that a student has satisfied the requirements for
10 graduation in s. 232.246.

11 6. A method for resolving conflicts between the
12 governing body of the charter school and the sponsor.

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

15 8. The ways by which the school will achieve a
16 racial/ethnic balance reflective of the community it serves or
17 within the racial/ethnic range of other public schools in the
18 same school district.

19 9. The financial and administrative management of the
20 school, including a reasonable demonstration of the
21 professional experience or competence of those individuals or
22 organizations applying to operate the charter school or those
23 hired or retained to perform such professional services. Both
24 public sector and private sector professional experience shall
25 be equally valid in such a consideration.

26 10. The manner in which the school will be insured,
27 including whether or not the school will be required to have
28 liability insurance, and, if so, the terms and conditions
29 thereof and the amounts of coverage.

30 11. The term of the charter which shall provide for
31 cancellation of the charter if insufficient progress has been

1 made in attaining the student achievement objectives of the
2 charter and if it is not likely that such objectives can be
3 achieved before expiration of the charter. The initial term of
4 a charter shall be for 3, 4, or 5 years. In order to
5 facilitate access to long-term financial resources for charter
6 school construction, charter schools that are operated by a
7 municipality or other public entity as provided by law are
8 eligible for up to a 15-year charter, subject to approval by
9 the local school board. In addition, to facilitate access to
10 long-term financial resources for charter school construction,
11 charter schools that are operated by a private,
12 not-for-profit, s. 501(c)(3) status corporation are eligible
13 for up to a 10-year charter, subject to approval by the local
14 school board. Such long-term charters remain subject to annual
15 review and may be terminated during the term of the charter,
16 but only for specific good cause according to the provisions
17 set forth in subsection (10).

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

19 13. The capacity of the charter school, taking into
20 consideration growth, and the provisions of (6)(b) and (c).

21 ~~14.13.~~ The qualifications to be required of the
22 teachers.

23 ~~15.14.~~ The governance structure of the school,
24 including the status of the charter school as a public or
25 private employer as required in subsection (7).

26 ~~16.15.~~ A timetable for implementing the charter which
27 addresses the implementation of each element thereof and the
28 date by which the charter shall be awarded in order to meet
29 this timetable.

30 ~~17.16.~~ In the case of an existing public school being
31 converted to charter status, alternative arrangements for

1 current students who choose not to attend the charter school
2 and for current teachers who choose not to teach in the
3 charter school after conversion in accordance with the
4 existing collective bargaining agreement or school board
5 policy in the absence of a collective bargaining agreement.

6 (b) A charter may be renewed every 5 school years,
7 provided that a program review demonstrates that the criteria
8 in paragraph (a) have been successfully accomplished and that
9 none of the grounds for nonrenewal established by paragraph
10 (10)(a) have been documented. In order to facilitate long-term
11 financing for charter school construction, charter schools
12 operating a minimum of 3 years and demonstrating exemplary
13 academic programming and fiscal management are eligible for a
14 15-year charter renewal. Such long-term charter is subject to
15 annual review and may be terminated during the term of the
16 charter.

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

18 (c) At least 6 months ~~90 days~~ prior to renewing or
19 terminating a charter, the sponsor shall notify the governing
20 body of the school of the proposed action in writing. The
21 notice shall state in reasonable detail the grounds for the
22 proposed action and stipulate that the school's governing body
23 may, within 14 calendar days after receiving the notice,
24 request an informal hearing before the sponsor. The sponsor
25 shall conduct the informal hearing within 30 calendar days
26 after receiving a written request. The charter school's
27 governing body may, within 14 calendar days after receiving
28 the sponsor's decision to terminate or refuse to renew the
29 charter, appeal the decision pursuant to the procedure
30 established in subsection (4).

31

1 (e) When a charter is not renewed or is terminated,
2 the school shall be dissolved under the provisions of law
3 under which the school was organized, and any unencumbered
4 funds from the charter school shall revert to the district
5 school board. In the event a charter school is dissolved or
6 is otherwise terminated, all district school board property
7 and improvements, furnishings, and equipment purchased with
8 public funds shall automatically revert to full ownership by
9 the district school board. All property purchased with a
10 combination of public and private funds shall be divided in a
11 manner which gives both the school district and the private
12 funding entity an equity value equal to the proportionate
13 share invested by each entity.

14 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

26 (e) Any administrative fee charged by the school
27 district relating to a charter school shall be limited to 5
28 percent of the available funds as defined in paragraph (b).
29 The sponsor shall provide certain administrative and
30 educational services to charter schools at no additional fee.
31 These services shall include contract management services, FTE

1 and data reporting, exceptional student education
2 administration, test administration, processing of teacher
3 certificate data, and information services. For purposes of
4 this paragraph, information services include, but are not
5 limited to, electronic mail, Internet access, daily mail
6 courier, or other information services as defined in the
7 charter.

8 (16) FACILITIES.--A charter school shall utilize
9 facilities which comply with the State Uniform Building Code
10 for Public Educational Facilities Construction adopted
11 pursuant to s. 235.26 or with applicable state minimum
12 building codes pursuant to chapter 553 and state minimum fire
13 protection codes pursuant to s. 633.025, as adopted by the
14 authority in whose jurisdiction the facility is located.
15 Beginning July 1, 2001, there shall be allowed an educational
16 facility contribution tax credit pursuant to s. 220.1835.

17 Section 3. Subsections (1) and (3) of section
18 228.0561, Florida Statutes, are amended to read:

19 228.0561 Charter schools capital outlay funding.--

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

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

1 (3) When a charter school is nonrenewed or terminated,
2 any unencumbered funds and all equipment and property
3 purchased with public funds shall revert to the ownership of
4 the district school board, as provided for in s.
5 228.056(10)(e) and (f). The reversion of such equipment,
6 property, and furnishings shall focus on recoverable assets,
7 but not on intangible or irrecoverable costs such as rental or
8 leasing fees, normal maintenance, and limited renovations. All
9 equipment and property purchased with a combination of private
10 and public funds shall be divided in a manner which gives both
11 the school district and the private funding entity an equity
12 value equal to the proportionate share invested by each
13 entity. If there are additional local issues such as the
14 shared use of facilities or partial ownership of facilities or
15 property, these issues shall be agreed to in the charter
16 contract prior to the expenditure of funds.

17 Section 4. Section 228.0581, Florida Statutes, is
18 created to read:

19 228.0581 Conversion charter school pilot program.--

20 (1) The conversion charter school pilot program is
21 hereby established with the intent to provide incentives for
22 local school districts to approve conversion charter schools.

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

27 (3) The purpose of the pilot program is to produce
28 significant improvements in student achievement and school
29 management, to encourage and measure the use of innovative
30 learning methods, and to make the school the unit for
31 improvement.

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

17 (5) A person or group who has applied to participate
18 in the pilot program created by this section, pursuant to
19 subsection (4), shall not be subject to an unlawful reprisal,
20 as defined by s. 228.056(3)(b), as a consequence of such
21 application. The procedures established by s. 228.056(3)
22 shall apply to any alleged unlawful reprisal which occurs as a
23 consequence of such application.

24 (6) A district school board shall receive and review
25 all applications by principals, parents, teachers, or school
26 advisory council members to participate in the pilot project;
27 shall select the best applications; and shall submit these
28 applications, together with the district school board's letter
29 of endorsement and commitment of support and cooperation
30 toward the success of program implementation, for review by
31

1 the statewide selection panel established pursuant to
2 subsection (7).

3 (7) A conversion charter school pilot program
4 statewide selection panel is established. The panel shall be
5 comprised of the following nine members who are not elected
6 public officials:

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

8 (b) Two members shall be appointed by the Commissioner
9 of Education.

10 (c) Two members shall be appointed by the President of
11 the Senate.

12 (d) Two members shall be appointed by the Speaker of
13 the House of Representatives.

14
15 The panel shall review the conversion charter school pilot
16 program applications submitted by the district school boards
17 and shall select the 10 applications which the panel deems
18 best comply with the purpose of the program pursuant to
19 subsection (3).

20 (8) Each district school board in which there is a
21 school selected by the statewide panel for participation in
22 the pilot program shall receive a grant for the 2001-2002
23 school year as follows, or as otherwise specified in the
24 General Appropriations Act:

25 (a) One hundred thousand dollars for planning and
26 development for each conversion charter school selected; and

27 (b)1. Eighty thousand dollars for each conversion
28 charter school selected with 500 or fewer students;

29 2. One hundred thousand dollars for each conversion
30 charter school selected with more than 500 but fewer than
31 1,001 students; or

1 3. One hundred twenty thousand dollars for each
2 conversion charter school selected with more than 1,000
3 students.

4
5 The Commissioner of Education is authorized to reduce the
6 district's 2002-2003 FEFP funding entitlement by the amount of
7 the grant awarded under this subsection if he or she
8 determines that the district has failed to comply with its
9 letter of endorsement and commitment of support and
10 cooperation submitted under subsection (6).

11 (9) Each conversion charter school selected for
12 participation in the pilot program shall make annual progress
13 reports to the district school board and the Commissioner of
14 Education detailing the school's progress in achieving the
15 purpose of the program as described in subsection (3).

16 Section 5. This act shall take effect July 1, 2000.

HOUSE SUMMARY

Authorizes a tax credit for businesses that contribute facility space for use by a public charter school, or a core facility for use as a public educational facility, for kindergarten through grade 12. Provides requirements for receipt of the tax credit and limits the amount of the tax credit that may be granted annually. Revises provisions relating to charter schools in the following ways: revises who is authorized to submit an application to convert an existing public school to a charter school; prohibits unlawful reprisals against district school board employees as a result of direct or indirect involvement in an application to establish a charter school; establishes procedures for reviewing and deciding alleged unlawful reprisals; revises the date by which charter school applications must be submitted to the district school board; revises the timeframe for charter school approval or denial; requires the award of reasonable attorney fees and costs incurred to the prevailing party in a charter school dispute; exempts conversion charter schools from being counted toward the number of charter schools in the district for purposes of a limit; authorizes district school boards or charter school applicants to request an increase of the limit on the number of charter schools in the district; authorizes the establishment of academic, artistic, or other standards as conditions for eligibility; requires a charter school to comply with certain cost accounting and reporting requirements; requires a charter school governing board to consult with the Department of Education when addressing how rates of progress will be compared to those of comparable student populations in the charter; requires a charter to address the capacity of the charter school; clarifies that a charter may not be renewed if grounds for nonrenewal have been documented; revising the timeframe for notice of renewal or termination of a charter; provides for the division of equity upon charter school nonrenewal or termination; provides notice of certain tax exemptions and tax credits; defines "information services"; and clarifies and conforms terminology. Revises the calculation for the funding allocation for charter school capital outlay. Establishes a statewide conversion charter school pilot program. Provides intent and purpose. Provides for application for participation in the pilot program by school principals, parents, teachers, or school advisory council members. Prohibits unlawful reprisals as a result of applying to participate in the pilot program. Provides procedures for reviewing and deciding alleged unlawful reprisals. Provides requirements for district school boards. Establishes a program selection panel and provides membership and duties. Authorizes grants to participating districts and reductions in funding for violations of requirements. Requires annual progress reports.