

1
2 An act relating to charter schools; creating s.
3 196.1983, F.S.; providing an exemption from ad
4 valorem taxes for facilities used to house
5 charter schools; amending s. 196.29, F.S.;
6 providing for the cancellation of certain taxes
7 on real property acquired by a charter school
8 governing board; amending s. 228.056, F.S.;
9 revising who is authorized to submit an
10 application to convert an existing public
11 school to a charter school; prohibiting
12 unlawful reprisals against district school
13 board employees as a result of direct or
14 indirect involvement in an application to
15 establish a charter school; establishing
16 procedures for reviewing and deciding alleged
17 unlawful reprisals; revising the date by which
18 charter school applications must be submitted
19 to the district school board; providing an
20 appeal process for failure of a district school
21 board to act on a charter school application;
22 requiring district school boards to provide
23 certain information relating to charter schools
24 to the Department of Education; clarifying the
25 timeframe for charter school approval or
26 denial; requiring the award of reasonable
27 attorney fees and costs incurred to the
28 prevailing party in a charter school dispute;
29 exempting conversion charter schools from being
30 counted toward the number of charter schools in
31 the district for purposes of a limit;

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

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

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

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 196.1983, Florida Statutes, is
24 created to read:

25 196.1983 Charter school exemption from ad valorem
26 taxes.--Any facility, or portion thereof, used to house a
27 charter school whose charter has been approved by the sponsor
28 and the governing board pursuant to s. 228.056(9) shall be
29 exempt from ad valorem taxes. For leasehold properties, the
30 landlord must certify by affidavit to the charter school that
31 the lease payments shall be reduced to the extent of the

1 exemption received. The owner of the property shall disclose
2 to a charter school the full amount of the benefit derived
3 from the exemption and the method for ensuring that the
4 charter school receives such benefit. The charter school
5 shall receive the full benefit derived from the exemption
6 through either an annual or monthly credit to the charter
7 school's lease payments.

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

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

25 Section 3. Section 228.056, Florida Statutes, is
26 amended to read:

27 228.056 Charter schools.--

28 (1) AUTHORIZATION.--The creation of charter schools is
29 hereby authorized. Charter schools shall be part of the
30 state's program of public education. All charter schools in
31 Florida are fully recognized as public schools. A charter

1 school may be formed by creating a new school or converting an
2 existing public school to charter status.

3 (2) PURPOSE.--The purpose of charter schools shall be
4 to:

5 (a) Improve student learning.

6 (b) Increase learning opportunities for all students,
7 with special emphasis on expanded learning experiences for
8 students who are identified as academically low achieving.

9 (c) Encourage the use of different and innovative
10 learning methods.

11 (d) Increase choice of learning opportunities for
12 students.

13 (e) Establish a new form of accountability for
14 schools.

15 (f) Require the measurement of learning outcomes and
16 create innovative measurement tools.

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

18 (h) Create new professional opportunities for
19 teachers, including the opportunity to own the learning
20 program at the school site.

21 (3) APPLICATION; UNLAWFUL REPRISAL ~~PROPOSAL~~.--

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

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

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

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

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

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

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

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

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1 statement under this paragraph is presumed admissible as
2 evidence in any judicial or administrative proceeding.

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

12
13 It shall be an affirmative defense to any action brought
14 pursuant to this section that the adverse action was
15 predicated upon grounds other than, and would have been taken
16 absent, the employee's exercise of rights protected by this
17 section.

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

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

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

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

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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. In a
31 further effort to facilitate an accurate budget projection,

1 within 15 calendar days after receipt of a charter school
2 application, a district school board or other sponsor shall
3 report to the Department of Education the name of the
4 applicant entity, the proposed charter school location, and
5 its projected FTE.A district school board must by a majority
6 vote approve or deny an application no later than 60 calendar
7 days after the application is received, unless the district
8 school board and the applicant mutually agree to temporarily
9 postpone the vote to a specific date, at which time the
10 district school board must by a majority vote approve or deny
11 the application. If the district school board fails to act on
12 the application, an applicant may appeal to the State Board of
13 Education as provided in paragraph (b).If an application is
14 denied, the district school board must, within 10 calendar
15 days, articulate in writing the specific reasons based upon
16 good cause supporting its denial of the charter application.
17 For budget projection purposes, the district school board or
18 other sponsor shall report to the department the approval or
19 denial of a charter application within 10 calendar days after
20 such approval or denial. In the event of approval, the report
21 to the department must include the final projected FTE for the
22 approved charter school.Upon approval of a charter
23 application, the initial startup must be consistent with the
24 beginning of the public school calendar for the district in
25 which the charter is granted unless the district school board
26 allows a waiver of this provision for good cause.

27 (b) An applicant may appeal any denial of that
28 applicant's ~~person's~~ application or failure to act on an
29 application to the State Board of Education no later than 30
30 calendar days after the district school board's decision or
31 failure to act and shall notify the district school board of

1 its appeal. Any response of the school board shall be
2 submitted to the state board within 30 calendar days after
3 notification of the appeal. The state board must by majority
4 vote accept or reject the decision of the district school
5 board no later than 60 calendar days after an appeal is filed
6 in accordance with state board rule. The state board may
7 reject an appeal submission for failure to comply with
8 procedural rules governing the appeals process. The rejection
9 shall describe the submission errors. The appellant may have
10 up to 15 calendar days from notice of rejection to resubmit an
11 appeal that meets requirements of rule. An application for
12 appeal submitted subsequent to such rejection shall be
13 considered timely if the original appeal was filed within 30
14 calendar days after the school board denial. The state board
15 shall remand the application to the district school board with
16 its written recommendation that the district board approve or
17 deny the application consistent with the state board's
18 decision. The decision of the State Board of Education is not
19 subject to the provisions of the Administrative Procedure Act,
20 chapter 120.

21 (c) The district school board must act upon the
22 recommendation of the State Board of Education within 30
23 calendar days after it is received. The district board may
24 fail to act in accordance with the recommendation of the state
25 board only for good cause. Good cause for failing to act in
26 accordance with the state board's recommendation arises only
27 if the district school board determines by competent
28 substantial evidence that approving the state board's
29 recommendation would be contrary to law or contrary to the
30 best interests of the pupils or the community. The district
31 school board must articulate in written findings the specific

1 reasons based upon good cause supporting its failure to act in
2 accordance with the state board's recommendation. The district
3 board's action on the state board's recommendation is a final
4 action subject to judicial review.

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

7 (e) Paragraph (a) notwithstanding, a state university
8 may grant a charter to a developmental research school created
9 under s. 228.053. In considering such charter, the state
10 university must consult with the district school board of the
11 county in which the developmental research school is located.
12 The decision of a state university may be appealed pursuant to
13 the procedure established in this subsection.

14 (f) The terms and conditions for the operation of a
15 charter school shall be set forth by the sponsor and the
16 applicant in a written contractual agreement, called a
17 charter. The sponsor shall not impose unreasonable rules or
18 regulations that violate the intent of giving charter schools
19 greater flexibility to meet educational goals. The applicant
20 and sponsor shall have 6 months in which to mutually agree to
21 the provisions of the charter ~~contract~~. The Department of
22 Education shall provide mediation services for any dispute
23 regarding this section subsequent to the approval of a charter
24 application, except disputes regarding charter school
25 application denials. If the Commissioner of Education
26 determines that the dispute cannot be settled through
27 mediation, the dispute may be appealed to an administrative
28 law judge appointed by the Division of Administrative
29 Hearings. The administrative law judge may rule on issues of
30 equitable treatment of the charter school as a public school,
31 whether proposed provisions of the charter ~~contract~~ violate

1 the intended flexibility granted charter schools by statute,
2 or on any other matter regarding this section except a charter
3 school application denial, and shall award the prevailing
4 party reasonable attorney's fees and costs incurred to be paid
5 by the losing party. The costs of the administrative hearing
6 shall be paid by the party whom the administrative law judge
7 rules against.

8 (g) The sponsor shall monitor and review the charter
9 school in its progress towards the goals established in the
10 charter.

11 (h) The sponsor shall monitor the revenues and
12 expenditures of the charter school.

13 (5) NUMBER OF SCHOOLS.--

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

20 (b) An existing public school which converts to a
21 charter school shall not be counted towards the limit
22 established by paragraph (a).

23
24 Notwithstanding any limit established by this subsection, a
25 district school board or a charter school applicant shall have
26 the right to request an increase of the limit on the number of
27 charter schools authorized to be established within the
28 district from the State Board of Education.

29 (6) ELIGIBLE STUDENTS.--

30 (a) A charter school shall be open to any student
31 covered in an interdistrict agreement or residing in the

1 school district in which the charter school is located;
2 however, in the case of a developmental research school
3 created under s. 228.053 to which a charter has been issued
4 under paragraph (4)(e), the charter school shall be open to
5 any student eligible to attend the developmental research
6 school as provided in s. 228.053 or who resides in the school
7 district in which the charter school is located. Any eligible
8 student shall be allowed interdistrict transfer to attend a
9 charter school when based on good cause. When a public school
10 converts to charter status, enrollment preference shall be
11 given to students who would have otherwise attended that
12 public school. A charter school may give enrollment preference
13 to a sibling of a student enrolled in the charter school, to
14 the child of a member of the governing board of the charter
15 school, or to the child of an employee of the charter school.

16 (b) The charter school shall enroll an eligible
17 student who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade
19 level, or building. In such case, all applicants shall have an
20 equal chance of being admitted through a random selection
21 process.

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

24 1. Students within specific age groups or grade
25 levels.

26 2. Students considered at risk of dropping out of
27 school or academic failure. Such students shall include
28 exceptional education students.

29 3. Students enrolling in a charter
30 school-in-the-workplace established pursuant to subsection
31 (22).

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

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

12 (e) Students with handicapping conditions and students
13 served in English for Speakers of Other Languages programs
14 shall have an equal opportunity of being selected for
15 enrollment in a charter school.

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

31 (8) REQUIREMENTS.--

1 (a) A charter school shall be nonsectarian in its
2 programs, admission policies, employment practices, and
3 operations.

4 (b) A charter school shall admit students as provided
5 in subsection (6).

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

8 (d) A charter school shall not charge tuition or fees,
9 except those fees normally charged by other public schools.
10 However, a developmental research school to which a charter
11 has been issued pursuant to paragraph (4)(e) may charge a
12 student activity and service fee as authorized by s.
13 228.053(5).

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

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

18 (g) A charter school shall be subject to an annual
19 financial audit in a manner similar to that of a school
20 district.

21 (h) No organization shall hold more than 15 charters
22 statewide.

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

1 in compliance with s. 236.02(1). Charter schools which are
2 operated by a municipality or are a component unit of a parent
3 nonprofit organization may use the accounting system of the
4 municipality or the parent, but must reformat this information
5 for reporting according to this paragraph.

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

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

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

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

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

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

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

28 c. To the extent possible, how these rates of progress
29 will be evaluated and compared with rates of progress of other
30 closely comparable student populations.

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

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

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

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

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

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

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

28 11. The term of the charter which shall provide for
29 cancellation of the charter if insufficient progress has been
30 made in attaining the student achievement objectives of the
31 charter and if it is not likely that such objectives can be

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

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

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

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

23 15. A timetable for implementing the charter which
24 addresses the implementation of each element thereof and the
25 date by which the charter shall be awarded in order to meet
26 this timetable.

27 16. In the case of an existing public school being
28 converted to charter status, alternative arrangements for
29 current students who choose not to attend the charter school
30 and for current teachers who choose not to teach in the
31 charter school after conversion in accordance with the

1 existing collective bargaining agreement or school board
2 policy in the absence of a collective bargaining agreement.
3 However, alternative arrangements shall not be required for
4 current teachers who choose not to teach in a developmental
5 research school to which a charter has been issued pursuant to
6 paragraph (4)(e), except as authorized by the employment
7 policies of the state university which grants the charter to
8 the developmental research school.

9 (b) A charter may be renewed every 5 school years,
10 provided that a program review demonstrates that the criteria
11 in paragraph (a) have been successfully accomplished and that
12 none of the grounds for nonrenewal established by paragraph
13 (10)(a) have been documented. In order to facilitate long-term
14 financing for charter school construction, charter schools
15 operating for a minimum of 2 ~~3~~ years and demonstrating
16 exemplary academic programming and fiscal management are
17 eligible for a 15-year charter renewal. Such long-term charter
18 is subject to annual review and may be terminated during the
19 term of the charter.

20 (c) A charter may be modified during its initial term
21 or any renewal term upon the recommendation of the sponsor or
22 the charter school governing board and the approval of both
23 parties to the agreement.

24 (d) The governing body of the charter school shall
25 make annual progress reports to its sponsor, which upon
26 verification shall be forwarded to the Commissioner of
27 Education at the same time as other annual school
28 accountability reports. The report shall contain at least the
29 following information:

30 1. The charter school's progress towards achieving the
31 goals outlined in its charter.

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

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

5 4. Salary and benefit levels of charter school
6 employees.

7 (e) A sponsor shall ensure that the charter is
8 innovative and consistent with the state education goals
9 established by s. 229.591.

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

23 (g) Whenever a municipality has submitted charter
24 applications for the establishment of a charter school feeder
25 pattern (elementary, middle, and senior high schools), and
26 upon approval of each individual charter application by the
27 district school board, such applications will then be
28 designated as one charter for all purposes listed pursuant to
29 this section.

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

31

- 1 (a) At the end of the term of a charter, the sponsor
2 may choose not to renew the charter for any of the following
3 grounds:
- 4 1. Failure to meet the requirements for student
5 performance stated in the charter.
 - 6 2. Failure to meet generally accepted standards of
7 fiscal management.
 - 8 3. Violation of law.
 - 9 4. Other good cause shown.
- 10 (b) During the term of a charter, the sponsor may
11 terminate the charter for any of the grounds listed in
12 paragraph (a).
- 13 (c) At least 90 days prior to renewing or terminating
14 a charter, the sponsor shall notify the governing body of the
15 school of the proposed action in writing. The notice shall
16 state in reasonable detail the grounds for the proposed action
17 and stipulate that the school's governing body may, within 14
18 calendar days after receiving the notice, request an informal
19 hearing before the sponsor. The sponsor shall conduct the
20 informal hearing within 30 calendar days after receiving a
21 written request. The charter school's governing body may,
22 within 14 calendar days after receiving the sponsor's decision
23 to terminate or refuse to renew the charter, appeal the
24 decision pursuant to the procedure established in subsection
25 (4).
- 26 (e) When a charter is not renewed or is terminated,
27 the school shall be dissolved under the provisions of law
28 under which the school was organized, and any unencumbered
29 funds from the charter school shall revert to the district
30 school board. In the event a charter school is dissolved or
31 is otherwise terminated, all district school board property

1 and improvements, furnishings, and equipment purchased with
2 public funds shall automatically revert to full ownership by
3 the district school board, subject to complete satisfaction of
4 any lawful liens or encumbrances.

5 (f) If a charter is not renewed or is terminated, the
6 governing body of the school is responsible for all debts of
7 the charter school. The district may not assume the debt from
8 any contract for services made between the governing body of
9 the school and a third party, except for a debt that is
10 previously detailed and agreed upon in writing by both the
11 district and the governing body of the school and that may not
12 reasonably be assumed to have been satisfied by the district.

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

17 (11) EXEMPTION FROM STATUTES.--A charter school shall
18 operate in accordance with its charter and shall be exempt
19 from all statutes of the Florida School Code, except those
20 specifically applying to charter schools; those pertaining to
21 the provision of services to students with disabilities; those
22 pertaining to civil rights, including s. 228.2001, relating to
23 discrimination; and those pertaining to student health,
24 safety, and welfare; or as otherwise required by this
25 section. A charter school shall not be exempt from the
26 following statutes: chapter 119, relating to public records,
27 and s. 286.011, relating to public meetings and records,
28 public inspection, and penalties. The sponsor, upon request of
29 a charter school, may apply to the Commissioner of Education
30 for a waiver of provisions of chapters 230 through 239 which
31 are applicable to charter schools under this section, except

1 that the provisions of chapters 236 or 237 shall not be
2 eligible for waiver if the waiver would affect funding
3 allocations or create inequity in public school funding. The
4 commissioner may grant the waiver if necessary to implement
5 the school program.

6 (12) EMPLOYEES OF CHARTER SCHOOLS.--

7 (a) A charter school shall select its own employees. A
8 charter school may contract with its sponsor for the services
9 of personnel employed by the sponsor.

10 (b) Charter school employees shall have the option to
11 bargain collectively. Employees may collectively bargain as a
12 separate unit or as part of the existing district collective
13 bargaining unit as determined by the structure of the charter
14 school.

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

18 (d) The teachers at a charter school may choose to be
19 part of a professional group that subcontracts with the
20 charter school to operate the instructional program under the
21 auspices of a partnership or cooperative that they
22 collectively own. Under this arrangement, the teachers would
23 not be public employees.

24 (e) Employees of a school district may take leave to
25 accept employment in a charter school upon the approval of the
26 district school board. While employed by the charter school
27 and on leave that is approved by the school board, the
28 employee may retain seniority accrued in that school district
29 and may continue to be covered by the benefit programs of that
30 school district, if the charter school and the district school
31 board agree to this arrangement and its financing. School

1 districts shall not require resignations of teachers desiring
2 to teach in a charter school. This paragraph shall not
3 prohibit a school board from approving alternative leave
4 arrangements consistent with chapter 231.

5 (f) Teachers employed by or under contract to a
6 charter school shall be certified as required by chapter 231.
7 A charter school governing board may employ or contract with
8 skilled selected noncertified personnel to provide
9 instructional services or to assist instructional staff
10 members as education paraprofessionals in the same manner as
11 defined in chapter 231, and as provided by State Board of
12 Education rule for charter school governing boards. A charter
13 school may not employ an individual to provide instructional
14 services or to serve as an education paraprofessional if the
15 individual's certification or licensure as an educator is
16 suspended or revoked by this or any other state. A charter
17 school may not knowingly employ an individual who has resigned
18 from a school district in lieu of disciplinary action with
19 respect to child welfare or safety, or who has been dismissed
20 for just cause by any school district with respect to child
21 welfare or safety. The qualifications of teachers shall be
22 disclosed to parents.

23 (g) A charter school shall employ or contract with
24 employees who have been fingerprinted as provided in s.
25 231.02. Members of the governing board of the charter school
26 shall also be fingerprinted in a manner similar to that
27 provided in s. 231.02 ~~prior to approval of the charter.~~

28 (13) REVENUE.--Students enrolled in a charter school,
29 regardless of the sponsorship, shall be funded as if they are
30 in a basic program or a special program, the same as students
31 enrolled in other public schools in the school district.

1 Funding for a chartered developmental research school shall be
2 as provided in s. 228.053(9).

3 (a) Each charter school shall report its student
4 enrollment to the district school board as required in s.
5 236.081, and in accordance with the definitions in s. 236.013.
6 The district school board shall include each charter school's
7 enrollment in the district's report of student enrollment.

8 (b) The basis for the agreement for funding students
9 enrolled in a charter school shall be the sum of the school
10 district's operating funds from the Florida Education Finance
11 Program as provided in s. 236.081 and the General
12 Appropriations Act, including gross state and local funds,
13 discretionary lottery funds, and funds from the school
14 district's current operating discretionary millage levy;
15 divided by total funded weighted full-time equivalent students
16 in the school district; multiplied by the weighted full-time
17 equivalent students for the charter school. Charter schools
18 whose students or programs meet the eligibility criteria in
19 law shall be entitled to their proportionate share of
20 categorical program funds included in the total funds
21 available in the Florida Education Finance Program by the
22 Legislature, including transportation. Total funding for each
23 charter school will be recalculated during the year to reflect
24 the revised calculations under the Florida Education Finance
25 Program by the state and the actual weighted full-time
26 equivalent students reported by the charter school during the
27 full-time equivalent student survey periods designated by the
28 Commissioner of Education.

29 (c) Transportation of charter school students shall be
30 provided by the charter school consistent with the
31 requirements of chapter 234. The governing body of the charter

1 school may provide transportation through an agreement or
2 contract with the district school board, a private provider,
3 or parents. The charter school and the sponsor shall cooperate
4 in making arrangements that ensure that transportation is not
5 a barrier to equal access for all students residing within a
6 reasonable distance of the charter school as determined in its
7 charter.

8 (d) If the district school board is providing programs
9 or services to students funded by federal funds, any eligible
10 students enrolled in charter schools in the school district
11 shall be provided federal funds for the same level of service
12 provided students in the schools operated by the district
13 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
14 10306, all charter schools shall receive all federal funding
15 for which the school is otherwise eligible, including Title I
16 funding, not later than 5 months after the charter school
17 first opens and within 5 months after any subsequent expansion
18 of enrollment.

19 (e) Any administrative fee charged by the school
20 district relating to a charter school shall be limited to 5
21 percent of the available funds as defined in paragraph (b).
22 The sponsor shall provide certain administrative and
23 educational services to charter schools at no additional fee.
24 These services shall include contract management services, FTE
25 and data reporting, exceptional student education
26 administration, test administration, processing of teacher
27 certificate data, and information services.

28 (f) School boards shall make every effort to ensure
29 that charter schools receive timely and efficient
30 reimbursement, including processing paperwork required to
31 access special state and federal funding for which they may be

1 eligible. The district school board may distribute funds to a
2 charter school for up to 3 months based on the projected
3 full-time equivalent student membership of the charter school.
4 Thereafter, the results of full-time equivalent student
5 membership surveys must be used in adjusting the amount of
6 funds distributed monthly to the charter school for the
7 remainder of the fiscal year. The payment shall be issued no
8 later than 10 working days after the district school board
9 receives a distribution of state or federal funds. If a
10 warrant for payment is not issued within 30 working days after
11 receipt of funding by the district school board, the school
12 district shall pay to the charter school, in addition to the
13 amount of the scheduled disbursement, interest at a rate of 1
14 percent per month calculated on a daily basis on the unpaid
15 balance from the expiration of the 30-day period until such
16 time as the warrant is issued.

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

1 (h) If other goods and services are made available to
2 the charter school through the contract with the school
3 district, they shall be provided to the charter school at a
4 rate no greater than the district's actual cost. To maximize
5 the use of state funds, school districts shall allow charter
6 schools to participate in the sponsor's bulk purchasing
7 program if applicable.

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

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

15 (16) FACILITIES.--

16 (a) A charter school shall utilize facilities which
17 comply with the State Uniform Building Code for Public
18 Educational Facilities Construction adopted pursuant to s.
19 235.26 or with applicable state minimum building codes
20 pursuant to chapter 553 and state minimum fire protection
21 codes pursuant to s. 633.025, as adopted by the authority in
22 whose jurisdiction the facility is located.

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

27 (c) After January 1, 2001, charter school facilities
28 shall utilize facilities which comply with the Florida
29 Building Code, pursuant to chapter 553, and the Florida Fire
30 Prevention Code, pursuant to chapter 633.

31

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

5 (18) INFORMATION.--The Department of Education shall
6 provide information to the public, directly and through
7 sponsors, both on how to form and operate a charter school and
8 on how to enroll in charter schools once they are created.
9 This information shall include a standard application format
10 which shall include the information specified in subsection
11 (9). This application format may be used by chartering
12 entities.

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

15 (20) REVIEW.--

16 (a) The Department of Education shall regularly
17 convene a Charter School Review Panel in order to review
18 issues, practices, and policies regarding charter schools. The
19 composition of the review panel shall include individuals with
20 experience in finance, administration, law, education, and
21 school governance, and individuals familiar with charter
22 school construction and operation. The panel shall include two
23 appointees each from the Commissioner of Education, the
24 President of the Senate, and the Speaker of the House of
25 Representatives. The Governor shall appoint three members of
26 the panel and shall designate the chair. Each member of the
27 panel shall serve a 1-year term, unless renewed by the office
28 making the appointment. The panel shall make recommendations
29 to the Legislature, to the Department of Education, to charter
30 schools, and to school districts for improving charter school
31 operations and oversight and for ensuring best business

1 practices at and fair business relationships with charter
2 schools.

3 (b) The Legislature shall review the operation of
4 charter schools during the 2005 ~~2000~~ Regular Session of the
5 Legislature.

6 (21) RULEMAKING.--The Department of Education, after
7 consultation with school districts and charter school
8 directors, shall recommend that the State Board of Education
9 adopt rules to implement specific subsections of this section.
10 Such rules shall require minimum paperwork and shall not limit
11 charter school flexibility authorized by statute.

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

13 (a) In order to increase business partnerships in
14 education, to reduce school and classroom overcrowding
15 throughout the state, and to offset the high costs for
16 educational facilities construction, the Legislature intends
17 to encourage the formation of business partnership schools or
18 satellite learning centers through charter school status.

19 (b) A charter school-in-the-workplace may be
20 established when a business partner provides the school
21 facility to be used; enrolls students based upon a random
22 lottery which involves all of the children of employees of
23 that business or corporation who are seeking enrollment, as
24 provided for in subsection (6); and enrolls students according
25 to the racial/ethnic balance provisions described in
26 subparagraph (9)(a)8. Any portion of a facility used for a
27 public charter school shall be exempt from ad valorem taxes,
28 as provided for in s. 235.198, for the duration of its use as
29 a public school.

30 Section 4. Subsections (1) and (3) of section
31 228.0561, Florida Statutes, are amended to read:

1 228.0561 Charter schools capital outlay funding.--
2 (1) In each year in which funds are appropriated for
3 charter school capital outlay purposes, the Commissioner of
4 Education shall allocate the funds among eligible charter
5 schools. To be eligible for a funding allocation, a charter
6 school must meet the provisions of subsection (6), must have
7 received final approval from its sponsor pursuant to s.
8 228.056 for operation during that fiscal year, and must serve
9 students in facilities that are not provided by the charter
10 school's sponsor. Prior to the release of capital outlay
11 funds to a school district on behalf of the charter school,
12 the Department of Education shall ensure that the district
13 school board and the charter school governing board enter into
14 a written agreement that includes provisions for the reversion
15 of any unencumbered funds and all equipment and property
16 purchased with public education funds to the ownership of the
17 district school board, as provided for in subsection (3), in
18 the event that the school terminates operations. Any funds
19 recovered by the state shall be deposited in the General
20 Revenue Fund. A charter school is not eligible for a funding
21 allocation if it was created by the conversion of a public
22 school and operates in facilities provided by the charter
23 school's sponsor for a nominal fee or at no charge. Unless
24 otherwise provided in the General Appropriations Act, the
25 funding allocation for each eligible charter school shall be
26 determined by multiplying the school's projected student
27 enrollment by one-fifteenth ~~one-thirteenth~~ of the
28 cost-per-student station specified in s. 235.435(6)(b) for an
29 elementary, middle, or high school, as appropriate. If the
30 funds appropriated are not sufficient, the commissioner shall
31 prorate the available funds among eligible charter schools.

1 ~~In the first quarter of the fiscal year,~~Funds shall be
2 distributed on the basis of the capital outlay full-time
3 equivalent membership by grade level, which shall be
4 calculated by averaging the results of the second and third
5 enrollment surveys. Sixty percent of the funds shall be
6 distributed after the second enrollment survey and the balance
7 shall be distributed after the third enrollment survey
8 ~~projected enrollment as provided in this section.~~ The
9 commissioner shall adjust subsequent distributions as
10 necessary to reflect each charter school's actual student
11 enrollment. The commissioner shall establish the intervals
12 and procedures for determining the projected and actual
13 student enrollment of eligible charter schools. ~~If a school~~
14 ~~district chooses to share funding for the capital outlay~~
15 ~~purposes described in subsection (2) with the applicable~~
16 ~~charter school or charter schools, any allocation of charter~~
17 ~~school capital outlay funds to the charter school or charter~~
18 ~~schools shall be reduced by the amount shared.~~

19 (3) When a charter school is nonrenewed or terminated,
20 any unencumbered funds and all equipment and property
21 purchased with district public funds shall revert to the
22 ownership of the district school board, as provided for in s.
23 228.056(10)(e) and (f). In the case of a developmental
24 research school established pursuant to s. 228.053 to which a
25 charter has been issued, any unencumbered funds and all
26 equipment and property purchased with university public funds
27 shall revert to the ownership of the state university that
28 issued the charter.The reversion of such equipment, property,
29 and furnishings shall focus on recoverable assets, but not on
30 intangible or irrecoverable costs such as rental or leasing
31 fees, normal maintenance, and limited renovations. The

1 reversion of all property secured with public funds is subject
2 to the complete satisfaction of all lawful liens or
3 encumbrances. If there are additional local issues such as the
4 shared use of facilities or partial ownership of facilities or
5 property, these issues shall be agreed to in the charter
6 contract prior to the expenditure of funds.

7 Section 5. Section 228.0581, Florida Statutes, is
8 created to read:

9 228.0581 Conversion charter school pilot program.--

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

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

17 (3) The purpose of the pilot program is to produce
18 significant improvements in student achievement and school
19 management, to encourage and measure the use of innovative
20 learning methods, and to make the school the unit for
21 improvement.

22 (4) Each school principal or a majority of the parents
23 of students attending the school, a majority of the school's
24 teachers, or a majority of the members of the school advisory
25 council, may apply to the school district to participate in
26 this pilot program on forms which shall be provided by the
27 Department of Education. The forms shall include
28 acknowledgement by the principal of applicable provisions of
29 ss. 228.056 and 228.0561. For purposes of this paragraph, "a
30 majority of the parents of students attending the school"
31 means more than 50 percent of the parents voting whose

1 children are enrolled at the school, provided that a majority
2 of the parents eligible to vote participate in the ballot
3 process; and "a majority of the school's teachers" means more
4 than 50 percent of the teachers employed at the school,
5 according to procedures established by rule of the State Board
6 of Education pursuant to s. 228.056(3).

7 (5) A person or group who has applied to participate
8 in the pilot program created by this section, pursuant to
9 subsection (4), shall not be subject to an unlawful reprisal,
10 as defined by s. 228.056(3)(b), as a consequence of such
11 application. The procedures established by s. 228.056(3)
12 shall apply to any alleged unlawful reprisal which occurs as a
13 consequence of such application.

14 (6) A district school board shall receive and review
15 all applications by principals, parents, teachers, or school
16 advisory council members to participate in the pilot project;
17 shall select the best applications; and shall submit these
18 applications, together with the district school board's letter
19 of endorsement and commitment of support and cooperation
20 toward the success of program implementation, for review by
21 the statewide selection panel established pursuant to
22 subsection (7).

23 (7) A conversion charter school pilot program
24 statewide selection panel is established. The panel shall be
25 comprised of the following nine members who are not elected
26 public officials:

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

28 (b) Two members shall be appointed by the Commissioner
29 of Education.

30 (c) Two members shall be appointed by the President of
31 the Senate.

1 (d) Two members shall be appointed by the Speaker of
2 the House of Representatives.

3
4 The panel shall review the conversion charter school pilot
5 program applications submitted by the district school boards
6 and shall select the 10 applications which the panel deems
7 best comply with the purpose of the program pursuant to
8 subsection (3).

9 (8) Each district school board in which there is a
10 school selected by the statewide panel for participation in
11 the pilot program shall receive a grant for the 2001-2002
12 school year as follows, or as otherwise specified in the
13 General Appropriations Act:

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

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

18 2. One hundred thousand dollars for each conversion
19 charter school selected with more than 500 but fewer than
20 1,001 students; or

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

24
25 The Commissioner of Education is authorized to reduce the
26 district's 2002-2003 FEFP funding entitlement by the amount of
27 the grant awarded under this subsection if he or she
28 determines that the district has failed to comply with its
29 letter of endorsement and commitment of support and
30 cooperation submitted under subsection (6).

31

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

6 Section 6. Section 236.0817, Florida Statutes, is
7 amended to read:

8 236.0817 Developmental research schools; eligibility
9 for categorical funding.--Categorical funds for developmental
10 research schools, including a developmental research school to
11 which a charter has been issued pursuant to s. 228.056(4)(e),
12 shall be allocated pursuant to s. 228.053(9)(a).

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

15 228.053 Developmental research schools.--

16 (2) ESTABLISHMENT.--There is established a category of
17 public schools to be known as developmental research schools.
18 Each developmental research school shall provide sequential
19 instruction and shall be affiliated with the college of
20 education within the state university of closest geographic
21 proximity. A developmental research school to which a charter
22 has been issued under s. 228.056(4)(e) must be affiliated with
23 the college of education within the state university that
24 issued the charter, but is not subject to the requirement that
25 the state university be of closest geographic proximity.For
26 the purpose of state funding, Florida Agricultural and
27 Mechanical University, Florida Atlantic University, Florida
28 State University, the University of Florida, and other
29 universities approved by the Board of Regents, the State Board
30 of Education, and the Legislature are authorized to sponsor
31 developmental research schools.

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

5 (a) Each developmental research school shall be
6 allocated its proportional share of operating funds from the
7 Florida Education Finance Program as provided in s. 236.081
8 and the General Appropriations Act. The nonvoted ad valorem
9 millage that would otherwise be required for developmental
10 research schools shall be allocated from state funds. The
11 required local effort funds calculated pursuant to s. 236.081
12 shall be allocated from state funds to the schools as a part
13 of the allocation of operating funds pursuant to s. 236.081.
14 Each eligible developmental research school shall also receive
15 a proportional share of the sparsity supplement as calculated
16 pursuant to s. 236.081. In addition, each developmental
17 research school shall receive its proportional share of all
18 categorical funds, with the exception of s. 236.083, and new
19 categorical funds enacted after July 1, 1994, for the purpose
20 of elementary or secondary academic program enhancement. The
21 sum of funds available as provided in this paragraph shall be
22 included annually in the Florida Education Finance Program and
23 appropriate categorical programs funded in the General
24 Appropriations Act.

25 (b) There is created a Developmental Research School
26 Educational Facility Trust Fund to be administered by the
27 Commissioner of Education. Allocations from such fund shall be
28 expended solely for the purpose of facility construction,
29 repair, renovation, remodeling, site improvement, or
30 maintenance. The commissioner shall administer the fund in
31 accordance with ss. 235.41-235.435.

1 (c) All operating funds provided under this section
2 shall be deposited in a Developmental Research School Trust
3 Fund in the State Treasury and shall be expended for the
4 purposes of this section. The university assigned a
5 developmental research school shall be the fiscal agent for
6 these funds, and all rules of the university governing the
7 budgeting and expenditure of state funds shall apply to these
8 funds unless otherwise provided by law or rule of the State
9 Board of Education. The Board of Regents shall be the public
10 employer of developmental research school personnel for
11 collective bargaining purposes.

12 (d) Each developmental research school shall receive
13 funds for operating purposes in an amount determined as
14 follows: multiply the maximum allowable nonvoted discretionary
15 millage for operations pursuant to s. 236.25(1) by the value
16 of 95 percent of the current year's taxable value for school
17 purposes for the district in which each developmental research
18 school is located; divide the result by the total full-time
19 equivalent membership of the district; and multiply the result
20 by the full-time equivalent membership of the developmental
21 research school. The amount thus obtained shall be
22 discretionary operating funds and shall be appropriated from
23 state funds in the General Appropriations Act to the
24 Developmental Research School Trust Fund.

25 (e) Each developmental research school shall receive
26 funds for capital improvement purposes in an amount determined
27 as follows: multiply the maximum allowable nonvoted
28 discretionary millage for capital improvements pursuant to s.
29 236.25(2) by the value of 95 percent of the current year's
30 taxable value for school purposes for the district in which
31 each developmental research school is located; divide the

1 result by the total full-time equivalent membership of the
2 district; and multiply the result by the full-time equivalent
3 membership of the developmental research school. The amount
4 thus obtained shall be discretionary capital improvement funds
5 and shall be appropriated from state funds in the General
6 Appropriations Act to the Developmental Research School
7 Educational Facility Trust Fund. ~~For purposes of this~~
8 ~~paragraph, the full-time equivalent membership of the~~
9 ~~developmental research school shall not include the 25~~
10 ~~unweighted full-time equivalent count specified in paragraph~~
11 ~~(h).~~

12 (f) In addition to the funds appropriated for capital
13 outlay budget needs, developmental research schools may
14 receive specific funding as specified in the General
15 Appropriations Act for upgrading, renovating, and remodeling
16 science laboratories.

17 (g) Each developmental research school is designated a
18 teacher education center and may provide inservice training to
19 school district personnel. The Department of Education shall
20 provide funds to the Developmental Research School Trust Fund
21 for this purpose from appropriations for inservice teacher
22 education.

23 (h) A developmental research school to which a charter
24 has been issued under s. 228.056(4)(e), is eligible to receive
25 funding for charter school capital outlay if it meets the
26 eligibility requirements of s. 228.0561. If the developmental
27 research school receives funds from charter school capital
28 outlay, the school shall receive capital outlay funds
29 otherwise provided in this subsection only to the extent that
30 funds allocated pursuant to s. 228.0561 are insufficient to
31

1 provide capital outlay funds to the developmental research
2 school at one-fifteenth of the cost per student station.

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

5 228.505 Charter technical career centers.--

6 (4) CHARTER.--A sponsor may designate centers as
7 provided in this section. An application to establish a
8 center may be submitted by a sponsor or another organization
9 that is determined, by rule of the State Board of Education,
10 to be appropriate. However, an independent school is not
11 eligible for status as a center. The charter must be signed
12 by the governing body of the center and the sponsor, and must
13 be approved by the district school board and community college
14 board of trustees in whose geographic region the facility is
15 located. If a charter technical career center is established
16 by the conversion to charter status of a public technical
17 center formerly governed by a district school board, the
18 charter status of that center takes precedence in any question
19 of governance. The governance of the center or of any program
20 within the center remains with its board of directors unless
21 the board agrees to a change in governance or its charter is
22 revoked as provided in subsection (15). Such a conversion
23 charter technical career center is not affected by a change in
24 the governance of public technical centers or of programs
25 within other centers that are or have been governed by
26 district school boards. A charter technical career center, or
27 any program within such a center, that was governed by a
28 school board and transferred to a community college prior to
29 the effective date of this act is not affected by this
30 provision. An applicant who wishes to establish a center must
31 submit to the local school board or community college district

1 board of trustees, or a consortium of one or more of each, an
2 application that includes:

3 (a) The name of the proposed center.

4 (b) The proposed structure of the center, including a
5 list of proposed members of the board of directors or a
6 description of the qualifications for and method of their
7 appointment or election.

8 (c) The workforce development goals of the center, the
9 curriculum to be offered, and the outcomes and the methods of
10 assessing the extent to which the outcomes are met.

11 (d) The admissions policy and criteria for evaluating
12 the admission of students.

13 (e) A description of the staff responsibilities and
14 the proposed qualifications of the teaching staff.

15 (f) A description of the procedures to be implemented
16 to ensure significant involvement of representatives of
17 business and industry in the operation of the center.

18 (g) A method for determining whether a student has
19 satisfied the requirements for graduation specified in s.
20 232.246 and for completion of a postsecondary certificate or
21 degree.

22 (h) A method for granting secondary and postsecondary
23 diplomas, certificates, and degrees.

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

26 (j) A method of resolving conflicts between the
27 governing body of the center and the sponsor and between
28 consortium members, if applicable.

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

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1 (1) Other information required by the local school
2 board or community college district board of trustees.
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4 Students at a center must meet the same testing and academic
5 performance standards as those established by law and rule for
6 students at public schools and public technical centers. The
7 students must also meet any additional assessment indicators
8 that are included within the charter approved by the district
9 school board or community college district board of trustees.

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

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