

1                                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           228.056, F.S.; limiting the number of purposes  
4           a charter school must accomplish; revising  
5           provisions relating to conversion charter  
6           schools; providing for development of a charter  
7           by a conversion committee; delineating  
8           accountability standards for charter schools;  
9           extending a district school board's time for  
10          responding and filing an appeal from a  
11          sponsor's decision to terminate a charter;  
12          requiring that noncertified teachers or  
13          instructors who are teaching out of their  
14          respective fields be supervised by a certified  
15          teacher for a specified period of time;  
16          requiring district school boards to distribute  
17          funds to schools when available; requiring  
18          compliance with the Florida Building Code and  
19          the Florida Fire Prevention Code or with the  
20          applicable provisions thereof; exempting  
21          charter schools from impact and service  
22          availability fees; amending s. 228.0561, F.S.,  
23          relating to charter school capital outlay  
24          funding; allowing the Commissioner of Education  
25          to identify an additional funding source that  
26          may be considered by the Legislature in  
27          allocating funding in a given year; providing  
28          an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:  
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1 Section 1. Section 228.056, Florida Statutes, is  
2 amended to read:

3 228.056 Charter schools.--

4 (1) AUTHORIZATION.--The creation of charter schools is  
5 hereby authorized. Charter schools shall be part of the  
6 state's program of public education. All charter schools in  
7 Florida are fully recognized as public schools. A charter  
8 school may be formed by creating a new school or converting an  
9 existing public school to charter status. A public school may  
10 not use the term charter in its name unless it has been  
11 approved under this section.

12 (2) PURPOSE.--The purpose of charter schools shall be  
13 to accomplish some or all of the following:

14 (a) Improve student learning.

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

18 (c) Encourage the use of different and innovative  
19 learning methods.

20 (d) Increase choice of learning opportunities for  
21 students.

22 (e) Establish a new form of accountability for  
23 schools.

24 (f) Require the measurement of learning outcomes and  
25 create innovative measurement tools.

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

27 (h) Create new professional opportunities for  
28 teachers, including the opportunity to own the learning  
29 program at the school site.

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1 (i) Provide rigorous competition within the public  
2 school district to stimulate continual improvement in all  
3 public schools.

4 (j) Provide additional academic choices for parents  
5 and students.

6 (k) Expand the capacity of the public school system.

7 (3) APPLICATION; UNLAWFUL REPRISAL.--

8 (a)1. An application for a new charter school may be  
9 made by an individual, teachers, parents, a group of  
10 individuals, a municipality, or a legal entity organized under  
11 the laws of this state.

12 2. The district school board or the principal,  
13 teachers, parents, and/or the school advisory council at an  
14 existing public school that has been in operation for at least  
15 2 years prior to the application to convert, including a  
16 public school-within-a-school that is designated as a school  
17 by the district school board, shall submit any application for  
18 converting the school to a charter school. An application  
19 submitted proposing to convert an existing public school to a  
20 charter school shall demonstrate the support of at least 50  
21 percent of the teachers employed at the school and 50 percent  
22 of the parents voting whose children are enrolled at the  
23 school, provided that a majority of the parents eligible to  
24 vote participate in the ballot process, according to  
25 procedures established by rules of the state board. A district  
26 school board denying an application for a conversion charter  
27 school shall provide notice of denial to the applicants in  
28 writing within 30 days after the meeting at which the school  
29 board denied the application. The notice must specify the  
30 exact reasons for denial and must provide documentation  
31 supporting those reasons. A private school, parochial school,

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

3 3. After a district school board approves an  
4 application for a conversion charter school, the school shall  
5 establish a conversion committee in order to develop a charter  
6 required pursuant to subsection (10). The conversion committee  
7 shall be comprised of the following nine members:

8 a. The principal of the school, or his or her  
9 designee, who shall serve as the chair.

10 b. Two teachers of the school who are selected by  
11 other teachers in the school.

12 c. Three nonrelated parents of students enrolled at  
13 the school.

14 d. Three at-large members selected by the six members  
15 listed in sub-subparagraphs a., b., and c.

16 4. The conversion committee shall meet at least once a  
17 month. Each meeting shall be noticed at least 72 hours in  
18 advance by prominently displaying a written notice in the  
19 school and by sending a written notice to the parents of each  
20 student. At each meeting, the conversion committee shall  
21 reserve a certain amount of time for public participation.

22 5. The conversion committee shall be responsible for  
23 developing a charter as required pursuant to subsection (10).  
24 The conversion committee shall submit a copy of the proposed  
25 charter to the school's parents, teachers, and administrators  
26 within 120 days after the district school board approves the  
27 application for the conversion charter school. Any  
28 recommendations and amendments to the proposed charter shall  
29 be submitted to the conversion committee within 15 days after  
30 the proposed charter is submitted to the school's parents,  
31 teachers, and administrators. The conversion committee shall

1 convene at least one additional meeting in order to discuss  
2 and take action on the recommendations and amendments to the  
3 proposed charter that were submitted.

4 6. Within 15 days after recommendations and amendments  
5 to the proposed charter are submitted, the conversion  
6 committee shall submit a copy of the final version of the  
7 proposed charter to the school's parents, teachers, and  
8 administrators.

9 7. Within 10 days after a copy of the final version of  
10 the proposed charter is submitted to the school's parents,  
11 teachers, and administrators, the school's parents and  
12 teachers shall vote for the approval of the final version of  
13 the proposed charter. In order to approve the final version of  
14 the proposed charter, the vote shall demonstrate the support  
15 of at least 50 percent of the teachers employed at the school  
16 and 50 percent of the parents voting whose children are  
17 enrolled at the school, provided that a majority of the  
18 parents eligible to vote participate in the ballot process.  
19 Should the final version of the proposed charter not be  
20 approved, the school shall withdraw its application for a  
21 conversion charter school.

22 (b) No district school board, or district school board  
23 employee who has control over personnel actions, shall take  
24 unlawful reprisal against another district school board  
25 employee because that employee is either directly or  
26 indirectly involved with an application to establish a charter  
27 school. As used in this subsection, the term "unlawful  
28 reprisal" means an action taken by a district school board or  
29 a school system employee against an employee who is directly  
30 or indirectly involved in a lawful application to establish a  
31 charter school, which occurs as a direct result of that

1 involvement, and which results in one or more of the  
2 following: disciplinary or corrective action; adverse transfer  
3 or reassignment, whether temporary or permanent; suspension,  
4 demotion, or dismissal; an unfavorable performance evaluation;  
5 a reduction in pay, benefits, or rewards; elimination of the  
6 employee's position absent of a reduction in force as a result  
7 of lack of moneys or work; or other adverse significant  
8 changes in duties or responsibilities that are inconsistent  
9 with the employee's salary or employment classification. The  
10 following procedures shall apply to an alleged unlawful  
11 reprisal which occurs as a consequence of an employee's direct  
12 or indirect involvement with an application to establish a  
13 charter school:

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

17           2. Within 3 working days after receiving a complaint  
18 under this section, the department shall acknowledge receipt  
19 of the complaint and provide copies of the complaint and any  
20 other relevant preliminary information available to each of  
21 the other parties named in the complaint, which parties shall  
22 each acknowledge receipt of such copies to the complainant.

23           3. If the department determines that the complaint  
24 demonstrates reasonable cause to suspect that an unlawful  
25 reprisal has occurred, the department shall conduct an  
26 investigation to produce a fact-finding report.

27           4. Within 90 days after receiving the complaint, the  
28 department shall provide the superintendent of schools of the  
29 complainant's district and the complainant with a fact-finding  
30 report that may include recommendations to the parties or  
31 proposed resolution of the complaint. The fact-finding report

1 shall be presumed admissible in any subsequent or related  
2 administrative or judicial review.

3           5. If the department determines that reasonable  
4 grounds exist to believe that an unlawful reprisal has  
5 occurred, is occurring, or is to be taken, and is unable to  
6 conciliate a complaint within 60 days after receipt of the  
7 fact-finding report, the department shall terminate the  
8 investigation. Upon termination of any investigation, the  
9 department shall notify the complainant and the superintendent  
10 of schools of the termination of the investigation, providing  
11 a summary of relevant facts found during the investigation and  
12 the reasons for terminating the investigation. A written  
13 statement under this paragraph is presumed admissible as  
14 evidence in any judicial or administrative proceeding.

15           6. The department shall either contract with the  
16 Division of Administrative Hearings under s. 120.65, or  
17 otherwise provide for a complaint for which the department  
18 determines reasonable grounds exist to believe that an  
19 unlawful reprisal has occurred, is occurring, or is to be  
20 taken, and is unable to conciliate, to be heard by a panel of  
21 impartial persons. Upon hearing the complaint, the panel must  
22 make findings of fact and conclusions of law for a final  
23 decision by the department.

24  
25 It shall be an affirmative defense to any action brought  
26 pursuant to this section that the adverse action was  
27 predicated upon grounds other than, and would have been taken  
28 absent, the employee's exercise of rights protected by this  
29 section.

30           (c) In any action brought under this section for which  
31 it is determined reasonable grounds exist to believe that an

1 unlawful reprisal has occurred, is occurring, or is to be  
2 taken, the relief must include the following:

3           1. Reinstatement of the employee to the same position  
4 held before the unlawful reprisal was commenced, or to an  
5 equivalent position, or payment of reasonable front pay as  
6 alternative relief.

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

9           3. Compensation, if appropriate, for lost wages,  
10 benefits, or other lost remuneration caused by the unlawful  
11 reprisal.

12           4. Payment of reasonable costs, including attorney's  
13 fees, to a substantially prevailing employee, or to the  
14 prevailing employer if the employee filed a frivolous action  
15 in bad faith.

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

18           6. Temporary reinstatement to the employee's former  
19 position or to an equivalent position, pending the final  
20 outcome on the complaint, if it is determined that the action  
21 was not made in bad faith or for a wrongful purpose, and did  
22 not occur after a district school board's initiation of a  
23 personnel action against the employee which includes  
24 documentation of the employee's violation of a disciplinary  
25 standard or performance deficiency.

26           (4) SPONSOR.--A district school board may sponsor a  
27 charter school in the county over which the board has  
28 jurisdiction.

29           (a) A district school board shall receive and review  
30 all applications for a charter school. A district school board  
31 shall receive and consider charter school applications

1 received on or before October 1 of each calendar year for  
2 charter schools to be opened at the beginning of the school  
3 district's next school year, or to be opened at a time agreed  
4 to by the applicant and the district school board. A district  
5 school board may receive applications later than this date if  
6 it chooses. A sponsor may not charge an applicant for a  
7 charter any fee for the processing or consideration of an  
8 application, and a sponsor may not base its consideration or  
9 approval of an application upon the promise of future payment  
10 of any kind.

11         1. In order to facilitate an accurate budget  
12 projection process, a district school board shall be held  
13 harmless for FTE students which are not included in the FTE  
14 projection due to approval of charter school applications  
15 after the FTE projection deadline. In a further effort to  
16 facilitate an accurate budget projection, within 15 calendar  
17 days after receipt of a charter school application, a district  
18 school board or other sponsor shall report to the Department  
19 of Education the name of the applicant entity, the proposed  
20 charter school location, and its projected FTE.

21         2. A district school board must by a majority vote  
22 approve or deny an application no later than 60 calendar days  
23 after the application is received, unless the district school  
24 board and the applicant mutually agree to temporarily postpone  
25 the vote to a specific date, at which time the district school  
26 board must by a majority vote approve or deny the application.  
27 If the district school board fails to act on the application,  
28 an applicant may appeal to the State Board of Education as  
29 provided in paragraph (b). If an application is denied, the  
30 district school board must, within 10 calendar days,

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1 articulate in writing the specific reasons based upon good  
2 cause supporting its denial of the charter application.

3           3. For budget projection purposes, the district school  
4 board or other sponsor shall report to the department the  
5 approval or denial of a charter application within 10 calendar  
6 days after such approval or denial. In the event of approval,  
7 the report to the department must include the final projected  
8 FTE for the approved charter school.

9           4. Upon approval of a charter application, the initial  
10 startup must commence with the beginning of the public school  
11 calendar for the district in which the charter is granted  
12 unless the district school board allows a waiver of this  
13 provision for good cause.

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

1 calendar days after receipt of notice of the specific reasons  
2 for the school board's denial of the charter application. The  
3 state board shall remand the application to the district  
4 school board with its written recommendation that the district  
5 board approve or deny the application consistent with the  
6 state board's decision. The decision of the State Board of  
7 Education is not subject to the provisions of the  
8 Administrative Procedure Act, chapter 120.

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

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

26 (e) Paragraph (a) notwithstanding, a state university  
27 may grant a charter to a developmental research school created  
28 under s. 228.053. In considering such charter, the state  
29 university must consult with the district school board of the  
30 county in which the developmental research school is located.

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1 The decision of a state university may be appealed pursuant to  
2 the procedure established in this subsection.

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

28 (g) The sponsor shall monitor and review the charter  
29 school in its progress towards the goals established in the  
30 charter.

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1 (h) The sponsor shall monitor the revenues and  
2 expenditures of the charter school.

3 (i) A charter school shall be exempt from the  
4 sponsor's policies.

5 (5) ACCOUNTABILITY.--

6 (a) Pupil performance.--A charter school must design  
7 its academic programs to meet or exceed the outcomes set by  
8 the Commissioner of Education for public school students as  
9 outlined in the Sunshine State Standards. The expected  
10 outcomes must be outlined in each school's charter.

11 (b) Annual reports.--

12 1. By July 15 of each year that a charter school is in  
13 operation, the charter school must submit to its sponsor a  
14 written report that details the levels of achievement of its  
15 students during the preceding school year in comparison to the  
16 aspirational levels set out in that school's charter.

17 2. By July 15 of each year that a charter school is in  
18 operation, the charter school must submit a written report  
19 that details its income and expenditures for the preceding  
20 school year.

21 3. Each charter school must annually report data on  
22 the FCAT scores of its students to the district school board  
23 in the county where the charter school is located.

24 (c) Personnel.--

25 1. Each teacher employed by the charter school must  
26 have at least a 4-year degree. A teacher who is not certified  
27 may teach in a charter school, but he or she must be  
28 supervised by a certified teacher who will evaluate in writing  
29 the noncertified teacher's ability to teach the subject  
30 matter. The sponsor shall use the evaluation in deciding  
31 whether to continue employing the noncertified teacher for the

1 following year. A noncertified teacher must also take at least  
2 3 credit hours per semester of education credits in the area  
3 in which he or she is to teach.

4 2. All school personnel must be fingerprinted and must  
5 undergo a background check in compliance with s. 231.17 before  
6 they may be employed by the charter school.

7 (6)(5) CHARTER SCHOOL COOPERATIVES.--Charter schools  
8 may enter into cooperative agreements to form charter school  
9 cooperative organizations that may provide the following  
10 services: charter school planning and development, direct  
11 instructional services, contracts with charter school  
12 governing boards to provide personnel administrative services,  
13 payroll services, human resource management, evaluation and  
14 assessment services, teacher preparation, and professional  
15 development.

16 (7)(6) NUMBER OF SCHOOLS.--

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

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

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

31 (8)(7) ELIGIBLE STUDENTS.--

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

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

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

26           1. Students within specific age groups or grade  
27 levels.

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

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1           3. Students enrolling in a charter  
2 school-in-the-workplace or charter school-in-a-municipality  
3 established pursuant to subsection(24)~~(22)~~.

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

12           5. Students who meet reasonable academic, artistic, or  
13 other eligibility standards established by the charter school  
14 and included in the charter school application and charter or,  
15 in the case of existing charter schools, standards that are  
16 consistent with the school's mission and purpose. Such  
17 standards must be in accordance with current state law and  
18 practice in public schools and may not discriminate against  
19 otherwise qualified individuals.

20           6. Students articulating from one charter school to  
21 another pursuant to an articulation agreement between the  
22 charter schools which has been approved by the sponsor.

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

26           (e) Students with handicapping conditions and students  
27 served in English for Speakers of Other Languages programs  
28 shall have an equal opportunity of being selected for  
29 enrollment in a charter school.

30           (f) The capacity of the charter school shall be  
31 determined annually by the governing board, in conjunction

1 with the sponsor, of the charter school in consideration of  
2 the factors identified in this subsection.

3 (9)~~(8)~~ LEGAL ENTITY.--A charter school shall organize  
4 as, or be operated by, a nonprofit organization. A charter  
5 school may be operated by a municipality or other public  
6 entity as provided for by law. As such, the charter school may  
7 be either a private or a public employer. As a public  
8 employer, a charter school may participate in the Florida  
9 Retirement System upon application and approval as a "covered  
10 group" under s. 121.021(34). If a charter school participates  
11 in the Florida Retirement System, the charter school employees  
12 shall be compulsory members of the Florida Retirement System.  
13 As either a private or a public employer, a charter school may  
14 contract for services with an individual or group of  
15 individuals who are organized as a partnership or a  
16 cooperative. Individuals or groups of individuals who contract  
17 their services to the charter school are not public employees.

18 (10)~~(9)~~ REQUIREMENTS.--

19 (a) A charter school shall be nonsectarian in its  
20 programs, admission policies, employment practices, and  
21 operations.

22 (b) A charter school shall admit students as provided  
23 in subsection(8)~~(6)~~.

24 (c) A charter school shall be accountable to its  
25 sponsor for performance as provided in subsection(11)~~(9)~~.

26 (d) A charter school shall not charge tuition or fees,  
27 except those fees normally charged by other public schools.  
28 However, a developmental research school to which a charter  
29 has been issued pursuant to paragraph (4)(e) may charge a  
30 student activity and service fee as authorized by s.  
31 228.053(5).

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

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

5 (g) A charter school shall provide for an annual  
6 financial audit in accordance with s. 218.39.

7 (h) No organization shall hold more than 15 charters  
8 statewide.

9 (i) In order to provide financial information that is  
10 comparable to that reported for other public schools, charter  
11 schools are to maintain all financial records which constitute  
12 their accounting system:

13 1. In accordance with the accounts and codes  
14 prescribed in the most recent issuance of the publication  
15 titled "Financial and Program Cost Accounting and Reporting  
16 for Florida Schools"; or

17 2. At the discretion of the charter school governing  
18 board, a charter school may elect to follow generally accepted  
19 accounting standards for not-for-profit organizations, but  
20 must reformat this information for reporting according to this  
21 paragraph.

22  
23 Charter schools are to provide annual financial report and  
24 program cost report information in the state-required formats  
25 for inclusion in district reporting in compliance with s.  
26 236.02(1). Charter schools which are operated by a  
27 municipality or are a component unit of a parent nonprofit  
28 organization may use the accounting system of the municipality  
29 or the parent, but must reformat this information for  
30 reporting according to this paragraph.

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1 (j) The governing board of the charter school shall  
2 annually adopt and maintain an operating budget.

3 (11)~~(10)~~ CHARTER.--The major issues involving the  
4 operation of a charter school shall be considered in advance  
5 and written into the charter. The charter shall be signed by  
6 the governing body of the charter school and the sponsor,  
7 following a public hearing to ensure community input.

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

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

12 2. The focus of the curriculum, the instructional  
13 methods to be used, any distinctive instructional techniques  
14 to be employed, and identification and acquisition of  
15 appropriate technologies needed to improve educational and  
16 administrative performance. This must include a means for  
17 promoting safe, ethical, and appropriate uses of technology  
18 which comply with legal and professional standards.

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

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

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

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

1           d. The district school board is required to provide  
2 academic student performance data to charter schools for each  
3 of their students coming from the district school system, as  
4 well as rates of academic progress of comparable student  
5 populations in the district school system.

6           4. The methods used to identify the educational  
7 strengths and needs of students and how well educational goals  
8 and performance standards are met by students attending the  
9 charter school. Included in the methods is a means for  
10 ensuring accountability to its constituents by analyzing  
11 student performance data and by evaluating the effectiveness  
12 and efficiency of its major educational programs. Students in  
13 charter schools shall, at a minimum, participate in the  
14 statewide assessment program.

15           5. In secondary charter schools, a method for  
16 determining that a student has satisfied the requirements for  
17 graduation in s. 232.246.

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

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

22           8. The ways by which the school will achieve a  
23 racial/ethnic balance reflective of the community it serves or  
24 within the racial/ethnic range of other public schools in the  
25 same school district.

26           9. The financial and administrative management of the  
27 school, including a reasonable demonstration of the  
28 professional experience or competence of those individuals or  
29 organizations applying to operate the charter school or those  
30 hired or retained to perform such professional services and  
31 the description of clearly delineated responsibilities and the

1 policies and practices needed to effectively manage the  
2 charter school. A description of internal audit procedures and  
3 establishment of controls to ensure that financial resources  
4 are properly managed must be included. Both public sector and  
5 private sector professional experience shall be equally valid  
6 in such a consideration.

7         10. A description of procedures that identify various  
8 risks and provide for a comprehensive approach to reduce the  
9 impact of losses; plans to ensure the safety and security of  
10 students and staff; plans to identify, minimize, and protect  
11 others from violent or disruptive student behavior; and the  
12 manner in which the school will be insured, including whether  
13 or not the school will be required to have liability  
14 insurance, and, if so, the terms and conditions thereof and  
15 the amounts of coverage.

16         11. The term of the charter which shall provide for  
17 cancellation of the charter if insufficient progress has been  
18 made in attaining the student achievement objectives of the  
19 charter and if it is not likely that such objectives can be  
20 achieved before expiration of the charter. The initial term of  
21 a charter shall be for 3, 4, or 5 years. In order to  
22 facilitate access to long-term financial resources for charter  
23 school construction, charter schools that are operated by a  
24 municipality or other public entity as provided by law are  
25 eligible for up to a 15-year charter, subject to approval by  
26 the local school board. A developmental research school is  
27 eligible for a charter for a term of up to 15 years issued by  
28 a state university pursuant to paragraph (4)(e). In addition,  
29 to facilitate access to long-term financial resources for  
30 charter school construction, charter schools that are operated  
31 by a private, not-for-profit, s. 501(c)(3) status corporation

1 are eligible for up to a 10-year charter, subject to approval  
2 by the local school board. Such long-term charters remain  
3 subject to annual review and may be terminated during the term  
4 of the charter, but only for specific good cause according to  
5 the provisions set forth in subsection (12)~~(10)~~.

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

7 13. The qualifications to be required of the teachers  
8 and the potential strategies used to recruit, hire, train, and  
9 retain qualified staff to achieve best value.

10 14. The governance structure of the school, including  
11 the status of the charter school as a public or private  
12 employer as required in subsection (9)~~(7)~~.

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

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

30 (b) A charter may be renewed every 5 school years,  
31 provided that a program review demonstrates that the criteria

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

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

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

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

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

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

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

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

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

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

21 (12)~~(11)~~ CAUSES FOR NONRENEWAL OR TERMINATION.--

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

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

31

1 (b) During the term of a charter, the sponsor may  
2 terminate the charter for any of the grounds listed in  
3 paragraph (a).

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

17 (d) A charter may be terminated immediately if the  
18 sponsor determines that good cause has been shown or if the  
19 health, safety, or welfare of the students is threatened. The  
20 school district in which the charter school is located shall  
21 assume operation of the school under these circumstances. The  
22 charter school's governing board may, within 15 ~~14~~ days after  
23 receiving the sponsor's decision to terminate the charter,  
24 appeal the decision pursuant to the procedure established in  
25 subsection (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 public funds from the charter school shall revert to the  
30 district school board. In the event a charter school is  
31 dissolved or is otherwise terminated, all district school

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

5 (f) If a charter is not renewed or is terminated, the  
6 charter school is responsible for all debts of the charter  
7 school. The district may not assume the debt from any contract  
8 for services made between the governing body of the school and  
9 a third party, except for a debt that is previously detailed  
10 and agreed upon in writing by both the district and the  
11 governing body of the school and that may not reasonably be  
12 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 (13)~~(12)~~ EXEMPTION FROM STATUTES.--A charter school  
18 shall operate in accordance with its charter and shall be  
19 exempt from all statutes of the Florida School Code, except  
20 those specifically applying to charter schools; those  
21 pertaining to the provision of services to students with  
22 disabilities; those pertaining to civil rights, including s.  
23 228.2001, relating to discrimination; and those pertaining to  
24 student health, safety, and welfare; or as otherwise required  
25 by this 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 charter school's  
29 governing board may apply to the Commissioner of Education for  
30 a waiver of provisions of chapters 230-239 which are  
31 applicable to charter schools under this section, except that

1 the provisions of chapter 236 or chapter 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 of Education must confirm receipt of a waiver  
5 request from a charter school by providing a copy of the  
6 request to the sponsor. The commissioner may grant the waiver  
7 if necessary to implement the school program and shall provide  
8 notice of the final dispensation of the waiver request to the  
9 charter school governing board and the charter school's  
10 sponsor.

11 (14)~~(13)~~ EMPLOYEES OF CHARTER SCHOOLS.--

12 (a) A charter school shall select its own employees. A  
13 charter school may contract with its sponsor for the services  
14 of personnel employed by the sponsor.

15 (b) Charter school employees shall have the option to  
16 bargain collectively. Employees may collectively bargain as a  
17 separate unit or as part of the existing district collective  
18 bargaining unit as determined by the structure of the charter  
19 school.

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

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

29 (e) Employees of a school district may take leave to  
30 accept employment in a charter school upon the approval of the  
31 district school board. While employed by the charter school

1 and on leave that is approved by the school board, the  
2 employee may retain seniority accrued in that school district  
3 and may continue to be covered by the benefit programs of that  
4 school district, if the charter school and the district school  
5 board agree to this arrangement and its financing. School  
6 districts shall not require resignations of teachers desiring  
7 to teach in a charter school. This paragraph shall not  
8 prohibit a school board from approving alternative leave  
9 arrangements consistent with chapter 231.

10 (f) Except as otherwise provided by law, teachers  
11 employed by or under contract to a charter school shall be  
12 certified as required by chapter 231. A charter school  
13 governing board may employ or contract with skilled selected  
14 noncertified personnel to provide instructional services or to  
15 assist instructional staff members as education  
16 paraprofessionals in the same manner as defined in chapter  
17 231, and as provided by the governing board's rules and  
18 procedures State Board of Education rule for charter school  
19 governing boards. However, all teachers must submit to  
20 background checks and fingerprinting as required by s. 231.17.  
21 The charter school governing board must approve employment of  
22 noncertified teachers or teachers teaching out of their field  
23 of certification. Those teachers must be mentored by a  
24 certified teacher who shall evaluate in writing their ability  
25 to teach the subject matter in accordance with rules  
26 established by the governing board for this purpose. This  
27 evaluation shall be submitted to the charter school governing  
28 board at the end of the school year and must be considered in  
29 any decision regarding employment of the noncertified teacher  
30 for the following school year. A charter school may not  
31 knowingly employ an individual to provide instructional

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

10 (g) A charter school shall employ or contract with  
 11 employees who have been fingerprinted as provided in s.  
 12 231.02. Members of the governing board of the charter school  
 13 shall also be fingerprinted in a manner similar to that  
 14 provided in s. 231.02.

15 (15)~~(14)~~ REVENUE.--Students enrolled in a charter  
 16 school, regardless of the sponsorship, shall be funded as if  
 17 they are in a basic program or a special program, the same as  
 18 students enrolled in other public schools in the school  
 19 district. Funding for a chartered developmental research  
 20 school shall be as provided in s. 228.053(9).

21 (a) Each charter school shall report its student  
 22 enrollment to the district school board as required in s.  
 23 236.081, and in accordance with the definitions in s. 236.013.  
 24 The district school board shall include each charter school's  
 25 enrollment in the district's report of student enrollment. All  
 26 charter schools submitting student record information required  
 27 by the Department of Education shall comply with the  
 28 department's guidelines for electronic data formats for such  
 29 data, and all districts shall accept electronic data that  
 30 complies with the department's electronic format.

31

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

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

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

12 (e) Any administrative fee charged by the school  
13 district relating to a charter school shall be limited to 5  
14 percent of the available funds as defined in paragraph (b) not  
15 including capital outlay funds, federal and state grants, or  
16 any other funds unless explicitly provided by law. The sponsor  
17 shall provide certain administrative and educational services  
18 to charter schools at no additional fee. These services shall  
19 include contract management services, FTE and data reporting,  
20 exceptional student education administration, test  
21 administration, processing of teacher certificate data, and  
22 information services.

23 (f) School boards shall make every effort to ensure  
24 that charter schools receive timely and efficient  
25 reimbursement, including processing paperwork required to  
26 access special state and federal funding for which they may be  
27 eligible. The district school board shall ~~may~~ distribute funds  
28 to a charter school for up to 3 months based on the projected  
29 full-time equivalent student membership of the charter school.  
30 Thereafter, the results of full-time equivalent student  
31 membership surveys must be used in adjusting the amount of

1 funds distributed monthly to the charter school for the  
2 remainder of the fiscal year. The payment shall be issued no  
3 later than 10 working days after the district school board  
4 receives a distribution of state or federal funds. If a  
5 warrant for payment is not issued within 30 working days after  
6 receipt of funding by the district school board, the school  
7 district shall pay to the charter school, in addition to the  
8 amount of the scheduled disbursement, interest at a rate of 1  
9 percent per month calculated on a daily basis on the unpaid  
10 balance from the expiration of the 30-day period until such  
11 time as the warrant is issued.

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

30 (h) If other goods and services are made available to  
31 the charter school through the contract with the school

1 district, they shall be provided to the charter school at a  
2 rate no greater than the district's actual cost. To maximize  
3 the use of state funds, school districts shall allow charter  
4 schools to participate in the sponsor's bulk purchasing  
5 program if applicable.

6 (16)~~(15)~~ IMMUNITY.--For the purposes of tort  
7 liability, the governing body and employees of a charter  
8 school shall be governed by s. 768.28.

9 (17)~~(16)~~ LENGTH OF SCHOOL YEAR.--A charter school  
10 shall provide instruction for at least the number of days  
11 required by law for other public schools, and may provide  
12 instruction for additional days.

13 (18)~~(17)~~ FACILITIES.--

14 (a) A charter school shall use ~~utilize~~ facilities that  
15 ~~which~~ comply with the Florida Building Code and the Florida  
16 Fire Prevention Code or with the applicable provisions of the  
17 Florida Building Code, excluding section 423, and the  
18 applicable provisions of the Florida Fire Prevention Code,  
19 excluding section 5 the State Uniform Building Code for Public  
20 Educational Facilities Construction adopted pursuant to s.  
21 235.26 or with applicable state minimum building codes  
22 pursuant to chapter 553 and state minimum fire protection  
23 codes pursuant to s. 633.025, as adopted by the authority in  
24 whose jurisdiction the facility is located.

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

29 (c) Charter school facilities are exempt from  
30 assessments of fees for building permits, except as provided  
31 in s. 553.80, and from impact fees or service availability

1 ~~fees~~ After January 1, 2001, charter school facilities shall  
2 utilize facilities which comply with the Florida Building  
3 Code, pursuant to chapter 553, and the Florida Fire Prevention  
4 Code, pursuant to chapter 633.

5 (19)~~(18)~~ INITIAL COSTS.--A sponsor may approve a  
6 charter for a charter school before the applicant has secured  
7 space, equipment, or personnel, if the applicant indicates  
8 approval is necessary for it to raise working capital.

9 (20)~~(19)~~ INFORMATION.--The Department of Education  
10 shall provide information to the public, directly and through  
11 sponsors, both on how to form and operate a charter school and  
12 on how to enroll in charter schools once they are created.  
13 This information shall include a standard application format  
14 which shall include the information specified in subsection  
15 (9). This application format may be used by chartering  
16 entities.

17 (21)~~(20)~~ GENERAL AUTHORITY.--A charter school shall  
18 not levy taxes or issue bonds secured by tax revenues.

19 (22)~~(21)~~ REVIEW.--

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

1 making the appointment. The panel shall make recommendations  
2 to the Legislature, to the Department of Education, to charter  
3 schools, and to school districts for improving charter school  
4 operations and oversight and for ensuring best business  
5 practices at and fair business relationships with charter  
6 schools.

7 (b) The Legislature shall review the operation of  
8 charter schools during the 2005 Regular Session of the  
9 Legislature.

10 (23)~~(22)~~ RULEMAKING.--The Department of Education,  
11 after consultation with school districts and charter school  
12 directors, shall recommend that the State Board of Education  
13 adopt rules to implement specific subsections of this section.  
14 Such rules shall require minimum paperwork and shall not limit  
15 charter school flexibility authorized by statute.

16 (24)~~(23)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER  
17 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS  
18 IN-A-MUNICIPALITY.--

19 (a) In order to increase business partnerships in  
20 education, to reduce school and classroom overcrowding  
21 throughout the state, to encourage developers of residential  
22 and other projects to provide school infrastructure concurrent  
23 with school impacts, to promote and encourage local  
24 communities to participate in and advance the cause of  
25 neighborhood schools, and to offset the high costs for  
26 educational facilities construction, the Legislature intends  
27 to encourage the formation of business partnership schools or  
28 satellite learning centers through charter school status.

29 (b) A charter school-in-the-workplace may be  
30 established when a business partner provides the school  
31 facility to be used; enrolls students based upon a random

1 lottery which involves all of the children of employees of  
2 that business or corporation who are seeking enrollment, as  
3 provided for in subsection (8)(6); and enrolls students  
4 according to the racial/ethnic balance provisions described in  
5 subparagraph (11)(a)8.(9)(a)8-Any portion of a facility used  
6 for a public charter school shall be exempt from ad valorem  
7 taxes, as provided for in s. 235.198, for the duration of its  
8 use as a public school.

9 (c) A charter school-in-a-municipality designation may  
10 be granted to a municipality that possesses a charter; enrolls  
11 students based upon a random lottery that involves all of the  
12 children of the residents of that municipality who are seeking  
13 enrollment, as provided for in subsection (8)(6); and enrolls  
14 students according to the racial/ethnic balance provisions  
15 described in subparagraph (11)(a)8.(9)(a)8-Any portion of  
16 the land and facility used for a public charter school shall  
17 be exempt from ad valorem taxes, as provided for in s.  
18 235.198, for the duration of its use as a public school.

19 (d) As used in this subsection, the terms "business  
20 partner," "employer," "developer," or "municipality" may  
21 include more than one business, employer, developer, or  
22 municipality to form a charter school-in-the-workplace,  
23 charter school-in-a-development, or charter  
24 school-in-a-municipality.

25 Section 2. Subsections (1) and (5) of section  
26 228.0561, Florida Statutes, are amended to read:

27 228.0561 Charter schools capital outlay funding.--

28 (1) In each year in which funds are appropriated for  
29 charter school capital outlay purposes, the Commissioner of  
30 Education shall allocate the funds among eligible charter  
31 schools. To be eligible for a funding allocation, a charter

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

1 the capital outlay full-time equivalent membership by grade  
2 level, which shall be calculated by averaging the results of  
3 the second and third enrollment surveys. The Department of  
4 Education shall distribute capital outlay funds monthly,  
5 beginning in the first quarter of the fiscal year, based on  
6 one-twelfth of the amount the department reasonably expects  
7 the charter school to receive during that fiscal year. The  
8 commissioner shall adjust subsequent distributions as  
9 necessary to reflect each charter school's actual student  
10 enrollment as reflected in the second and third enrollment  
11 surveys. The commissioner shall establish the intervals and  
12 procedures for determining the projected and actual student  
13 enrollment of eligible charter schools.

14 (5) The annual legislative budget request of the  
15 Department of Education shall include a request for capital  
16 outlay funding for charter schools. The request shall be  
17 based on the projected number of students to be served in  
18 charter schools who meet the eligibility requirements of this  
19 section. This budget request may also be accompanied by a  
20 written statement from the Commissioner of Education  
21 requesting that a dedicated funding source identified by the  
22 commissioner be used to supplement that year's charter school  
23 funding.

24 Section 3. This act shall take effect July 1, 2002.  
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