

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.

29
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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