

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; providing that a charter  
23          school to be newly constructed shall be a  
24          public educational facility for purposes of  
25          site plan review; amending s. 228.0561, F.S.,  
26          relating to charter school capital outlay  
27          funding; allowing the Commissioner of Education  
28          to identify an additional funding source that  
29          may be considered by the Legislature in  
30          allocating funding in a given year; amending s.  
31          235.193, F.S.; providing that a proposed

1 charter school shall be considered a public  
2 educational facility with respect to site plan  
3 review; providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Section 228.056, Florida Statutes, is  
8 amended to read:

9 228.056 Charter schools.--

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

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

20 (a) Improve student learning.

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

24 (c) Encourage the use of different and innovative  
25 learning methods.

26 (d) Increase choice of learning opportunities for  
27 students.

28 (e) Establish a new form of accountability for  
29 schools.

30 (f) Require the measurement of learning outcomes and  
31 create innovative measurement tools.

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

2 (h) Create new professional opportunities for  
3 teachers, including the opportunity to own the learning  
4 program at the school site.

5 (i) Provide rigorous competition within the public  
6 school district to stimulate continual improvement in all  
7 public schools.

8 (j) Provide additional academic choices for parents  
9 and students.

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

11 (3) APPLICATION; UNLAWFUL REPRISAL.--

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

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

1 writing within 30 days after the meeting at which the school  
2 board denied the application. The notice must specify the  
3 exact reasons for denial and must provide documentation  
4 supporting those reasons. A private school, parochial school,  
5 or home education program shall not be eligible for charter  
6 school status.

7 3. After a district school board approves an  
8 application for a conversion charter school, the school shall  
9 establish a conversion committee in order to develop a charter  
10 required pursuant to subsection (11). The conversion committee  
11 shall be comprised of the following nine members:

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

14 b. Two teachers of the school who are selected by  
15 other teachers in the school.

16 c. Three nonrelated parents of students enrolled at  
17 the school.

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

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

26 5. The conversion committee shall be responsible for  
27 developing a charter as required pursuant to subsection (11).  
28 The conversion committee shall submit a copy of the proposed  
29 charter to the school's parents, teachers, and administrators  
30 within 120 days after the district school board approves the  
31 application for the conversion charter school. Any

1 recommendations and amendments to the proposed charter shall  
2 be submitted to the conversion committee within 15 days after  
3 the proposed charter is submitted to the school's parents,  
4 teachers, and administrators. The conversion committee shall  
5 convene at least one additional meeting in order to discuss  
6 and take action on the recommendations and amendments to the  
7 proposed charter that were submitted.

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

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

26         (b) No district school board, or district school board  
27 employee who has control over personnel actions, shall take  
28 unlawful reprisal against another district school board  
29 employee because that employee is either directly or  
30 indirectly involved with an application to establish a charter  
31 school. As used in this subsection, the term "unlawful

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

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

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

27           3. If the department determines that the complaint  
28 demonstrates reasonable cause to suspect that an unlawful  
29 reprisal has occurred, the department shall conduct an  
30 investigation to produce a fact-finding report.

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1           4. Within 90 days after receiving the complaint, the  
2 department shall provide the superintendent of schools of the  
3 complainant's district and the complainant with a fact-finding  
4 report that may include recommendations to the parties or  
5 proposed resolution of the complaint. The fact-finding report  
6 shall be presumed admissible in any subsequent or related  
7 administrative or judicial review.

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

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

29  
30 It shall be an affirmative defense to any action brought  
31 pursuant to this section that the adverse action was

1 predicated upon grounds other than, and would have been taken  
2 absent, the employee's exercise of rights protected by this  
3 section.

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

8 1. Reinstatement of the employee to the same position  
9 held before the unlawful reprisal was commenced, or to an  
10 equivalent position, or payment of reasonable front pay as  
11 alternative relief.

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

14 3. Compensation, if appropriate, for lost wages,  
15 benefits, or other lost remuneration caused by the unlawful  
16 reprisal.

17 4. Payment of reasonable costs, including attorney's  
18 fees, to a substantially prevailing employee, or to the  
19 prevailing employer if the employee filed a frivolous action  
20 in bad faith.

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

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

31



1 (4) SPONSOR.--A district school board may sponsor a  
2 charter school in the county over which the board has  
3 jurisdiction.

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

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

27 2. A district school board must by a majority vote  
28 approve or deny an application no later than 60 calendar days  
29 after the application is received, unless the district school  
30 board and the applicant mutually agree to temporarily postpone  
31 the vote to a specific date, at which time the district school

1 board must by a majority vote approve or deny the application.  
 2 If the district school board fails to act on the application,  
 3 an applicant may appeal to the State Board of Education as  
 4 provided in paragraph (b). If an application is denied, the  
 5 district school board must, within 10 calendar days,  
 6 articulate in writing the specific reasons based upon good  
 7 cause supporting its denial of the charter application.

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

14           4. Upon approval of a charter application, the initial  
 15 startup must commence with the beginning of the public school  
 16 calendar for the district in which the charter is granted  
 17 unless the district school board allows a waiver of this  
 18 provision for good cause.

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

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

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

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

31

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

8           (f) The terms and conditions for the operation of a  
9 charter school shall be set forth by the sponsor and the  
10 applicant in a written contractual agreement, called a  
11 charter. The sponsor shall not impose unreasonable rules or  
12 regulations that violate the intent of giving charter schools  
13 greater flexibility to meet educational goals. The applicant  
14 and sponsor shall have 6 months in which to mutually agree to  
15 the provisions of the charter. The Department of Education  
16 shall provide mediation services for any dispute regarding  
17 this section subsequent to the approval of a charter  
18 application and for any dispute relating to the approved  
19 charter, except disputes regarding charter school application  
20 denials. If the Commissioner of Education determines that the  
21 dispute cannot be settled through mediation, the dispute may  
22 be appealed to an administrative law judge appointed by the  
23 Division of Administrative Hearings. The administrative law  
24 judge may rule on issues of equitable treatment of the charter  
25 school as a public school, whether proposed provisions of the  
26 charter violate the intended flexibility granted charter  
27 schools by statute, or on any other matter regarding this  
28 section except a charter school application denial, and shall  
29 award the prevailing party reasonable attorney's fees and  
30 costs incurred to be paid by the losing party. The costs of  
31

1 the administrative hearing shall be paid by the party whom the  
2 administrative law judge rules against.

3 (g) The sponsor shall monitor and review the charter  
4 school in its progress towards the goals established in the  
5 charter.

6 (h) The sponsor shall monitor the revenues and  
7 expenditures of the charter school.

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

10 (5) ACCOUNTABILITY.--

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

16 (b) Annual reports.--

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

22 2. By July 15 of each year that a charter school is in  
23 operation, the charter school must submit a written report  
24 that details its income and expenditures for the preceding  
25 school year.

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

29 (c) Personnel.--

30 1. Each teacher employed by the charter school must  
31 have at least a 4-year degree. A teacher who is not certified

1 may teach in a charter school, but he or she must be  
2 supervised by a certified teacher who will evaluate in writing  
3 the noncertified teacher's ability to teach the subject  
4 matter. The sponsor shall use the evaluation in deciding  
5 whether to continue employing the noncertified teacher for the  
6 following year. A noncertified teacher must also take at least  
7 3 credit hours per semester of education credits in the area  
8 in which he or she is to teach.

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

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

21 (7)(6) NUMBER OF SCHOOLS.--

22 (a) The number of newly created charter schools is  
23 limited to no more than 28 in each school district that has  
24 100,000 or more students, no more than 20 in each school  
25 district that has 50,000 to 99,999 students, and no more than  
26 12 in each school district with fewer than 50,000 students.

27 (b) An existing public school which converts to a  
28 charter school shall not be counted towards the limit  
29 established by paragraph (a).  
30  
31

1 Notwithstanding any limit established by this subsection, a  
2 district school board or a charter school applicant shall have  
3 the right to request an increase of the limit on the number of  
4 charter schools authorized to be established within the  
5 district from the State Board of Education.

6 (8)~~(7)~~ ELIGIBLE STUDENTS.--

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

24 (b) The charter school shall enroll an eligible  
25 student who submits a timely application, unless the number of  
26 applications exceeds the capacity of a program, class, grade  
27 level, or building. In such case, all applicants shall have an  
28 equal chance of being admitted through a random selection  
29 process.

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

- 1           1. Students within specific age groups or grade  
2 levels.
- 3           2. Students considered at risk of dropping out of  
4 school or academic failure. Such students shall include  
5 exceptional education students.
- 6           3. Students enrolling in a charter  
7 school-in-the-workplace or charter school-in-a-municipality  
8 established pursuant to subsection (24)~~(22)~~.
- 9           4. Students residing within a reasonable distance of  
10 the charter school, as described in paragraph (15)(c)~~(13)(c)~~.  
11 Such students shall be subject to a random lottery and to the  
12 racial/ethnic balance provisions described in subparagraph  
13 (11)(a)8.~~(9)(a)8.~~ or any federal provisions which require a  
14 school to achieve a racial/ethnic balance reflective of the  
15 community it serves or within the racial/ethnic range of other  
16 public schools in the same school district.
- 17           5. Students who meet reasonable academic, artistic, or  
18 other eligibility standards established by the charter school  
19 and included in the charter school application and charter or,  
20 in the case of existing charter schools, standards that are  
21 consistent with the school's mission and purpose. Such  
22 standards must be in accordance with current state law and  
23 practice in public schools and may not discriminate against  
24 otherwise qualified individuals.
- 25           6. Students articulating from one charter school to  
26 another pursuant to an articulation agreement between the  
27 charter schools which has been approved by the sponsor.
- 28           (d) A student may withdraw from a charter school at  
29 any time and enroll in another public school as determined by  
30 school board policy.
- 31



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

5 (f) The capacity of the charter school shall be  
6 determined annually by the governing board, in conjunction  
7 with the sponsor, of the charter school in consideration of  
8 the factors identified in this subsection.

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

24 (10)~~(9)~~ REQUIREMENTS.--

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

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

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

1 (d) A charter school shall not charge tuition or fees,  
2 except those fees normally charged by other public schools.  
3 However, a developmental research school to which a charter  
4 has been issued pursuant to paragraph (4)(e) may charge a  
5 student activity and service fee as authorized by s.  
6 228.053(5).

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

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

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

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

15 (i) In order to provide financial information that is  
16 comparable to that reported for other public schools, charter  
17 schools are to maintain all financial records which constitute  
18 their accounting system:

19 1. In accordance with the accounts and codes  
20 prescribed in the most recent issuance of the publication  
21 titled "Financial and Program Cost Accounting and Reporting  
22 for Florida Schools"; or

23 2. At the discretion of the charter school governing  
24 board, a charter school may elect to follow generally accepted  
25 accounting standards for not-for-profit organizations, but  
26 must reformat this information for reporting according to this  
27 paragraph.

28  
29 Charter schools are to provide annual financial report and  
30 program cost report information in the state-required formats  
31 for inclusion in district reporting in compliance with s.

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

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

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

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

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

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

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

28 a. How the baseline student academic achievement  
29 levels and prior rates of academic progress will be  
30 established.

31

1           b. How these baseline rates will be compared to rates  
2 of academic progress achieved by these same students while  
3 attending the charter school.

4           c. To the extent possible, how these rates of progress  
5 will be evaluated and compared with rates of progress of other  
6 closely comparable student populations.

7           d. The district school board is required to provide  
8 academic student performance data to charter schools for each  
9 of their students coming from the district school system, as  
10 well as rates of academic progress of comparable student  
11 populations in the district school system.

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

21           5. In secondary charter schools, a method for  
22 determining that a student has satisfied the requirements for  
23 graduation in s. 232.246.

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

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

28           8. The ways by which the school will achieve a  
29 racial/ethnic balance reflective of the community it serves or  
30 within the racial/ethnic range of other public schools in the  
31 same school district.

1           9. The financial and administrative management of the  
2 school, including a reasonable demonstration of the  
3 professional experience or competence of those individuals or  
4 organizations applying to operate the charter school or those  
5 hired or retained to perform such professional services and  
6 the description of clearly delineated responsibilities and the  
7 policies and practices needed to effectively manage the  
8 charter school. A description of internal audit procedures and  
9 establishment of controls to ensure that financial resources  
10 are properly managed must be included. Both public sector and  
11 private sector professional experience shall be equally valid  
12 in such a consideration.

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

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

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

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

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

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

19 15. A timetable for implementing the charter which  
 20 addresses the implementation of each element thereof and the  
 21 date by which the charter shall be awarded in order to meet  
 22 this timetable.

23 16. In the case of an existing public school being  
 24 converted to charter status, alternative arrangements for  
 25 current students who choose not to attend the charter school  
 26 and for current teachers who choose not to teach in the  
 27 charter school after conversion in accordance with the  
 28 existing collective bargaining agreement or school board  
 29 policy in the absence of a collective bargaining agreement.  
 30 However, alternative arrangements shall not be required for  
 31 current teachers who choose not to teach in a developmental

1 research school to which a charter has been issued pursuant to  
2 paragraph (4)(e), except as authorized by the employment  
3 policies of the state university which grants the charter to  
4 the developmental research school.

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

16 (c) A charter may be modified during its initial term  
17 or any renewal term upon the recommendation of the sponsor or  
18 the charter school governing board and the approval of both  
19 parties to the agreement.

20 (d) The governing body of the charter school shall  
21 exercise continuing oversight over charter school operations  
22 and make annual progress reports to its sponsor, which upon  
23 verification shall be forwarded to the Commissioner of  
24 Education at the same time as other annual school  
25 accountability reports. The report shall contain at least the  
26 following information:

27 1. The charter school's progress towards achieving the  
28 goals outlined in its charter.

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

31

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

3           4. Salary and benefit levels of charter school  
4 employees.

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

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

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

28           (12)~~(11)~~ CAUSES FOR NONRENEWAL OR TERMINATION.--

29           (a) At the end of the term of a charter, the sponsor  
30 may choose not to renew the charter for any of the following  
31 grounds:



1           1. Failure to meet the requirements for student  
2 performance stated in the charter.

3           2. Failure to meet generally accepted standards of  
4 fiscal management.

5           3. Violation of law.

6           4. Other good cause shown.

7           (b) During the term of a charter, the sponsor may  
8 terminate the charter for any of the grounds listed in  
9 paragraph (a).

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

23           (d) A charter may be terminated immediately if the  
24 sponsor determines that good cause has been shown or if the  
25 health, safety, or welfare of the students is threatened. The  
26 school district in which the charter school is located shall  
27 assume operation of the school under these circumstances. The  
28 charter school's governing board may, within 15 ~~14~~ days after  
29 receiving the sponsor's decision to terminate the charter,  
30 appeal the decision pursuant to the procedure established in  
31 subsection (4).

1           (e) When a charter is not renewed or is terminated,  
2 the school shall be dissolved under the provisions of law  
3 under which the school was organized, and any unencumbered  
4 public funds from the charter school shall revert to the  
5 district school board. In the event a charter school is  
6 dissolved or is otherwise terminated, all district school  
7 board property and improvements, furnishings, and equipment  
8 purchased with public funds shall automatically revert to full  
9 ownership by the district school board, subject to complete  
10 satisfaction of any lawful liens or encumbrances.

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

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

23           (13)~~(12)~~ EXEMPTION FROM STATUTES.--A charter school  
24 shall operate in accordance with its charter and shall be  
25 exempt from all statutes of the Florida School Code, except  
26 those specifically applying to charter schools; those  
27 pertaining to the provision of services to students with  
28 disabilities; those pertaining to civil rights, including s.  
29 228.2001, relating to discrimination; and those pertaining to  
30 student health, safety, and welfare; or as otherwise required  
31 by this section. A charter school shall not be exempt from the

1 following statutes: chapter 119, relating to public records,  
2 and s. 286.011, relating to public meetings and records,  
3 public inspection, and penalties. The charter school's  
4 governing board may apply to the Commissioner of Education for  
5 a waiver of provisions of chapters 230-239 which are  
6 applicable to charter schools under this section, except that  
7 the provisions of chapter 236 or chapter 237 shall not be  
8 eligible for waiver if the waiver would affect funding  
9 allocations or create inequity in public school funding. The  
10 Commissioner of Education must confirm receipt of a waiver  
11 request from a charter school by providing a copy of the  
12 request to the sponsor. The commissioner may grant the waiver  
13 if necessary to implement the school program and shall provide  
14 notice of the final dispensation of the waiver request to the  
15 charter school governing board and the charter school's  
16 sponsor.

17 (14)~~(13)~~ EMPLOYEES OF CHARTER SCHOOLS.--

18 (a) A charter school shall select its own employees. A  
19 charter school may contract with its sponsor for the services  
20 of personnel employed by the sponsor.

21 (b) Charter school employees shall have the option to  
22 bargain collectively. Employees may collectively bargain as a  
23 separate unit or as part of the existing district collective  
24 bargaining unit as determined by the structure of the charter  
25 school.

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

29 (d) The teachers at a charter school may choose to be  
30 part of a professional group that subcontracts with the  
31 charter school to operate the instructional program under the

1 auspices of a partnership or cooperative that they  
2 collectively own. Under this arrangement, the teachers would  
3 not be public employees.

4 (e) Employees of a school district may take leave to  
5 accept employment in a charter school upon the approval of the  
6 district school board. While employed by the charter school  
7 and on leave that is approved by the school board, the  
8 employee may retain seniority accrued in that school district  
9 and may continue to be covered by the benefit programs of that  
10 school district, if the charter school and the district school  
11 board agree to this arrangement and its financing. School  
12 districts shall not require resignations of teachers desiring  
13 to teach in a charter school. This paragraph shall not  
14 prohibit a school board from approving alternative leave  
15 arrangements consistent with chapter 231.

16 (f) Except as otherwise provided by law, teachers  
17 employed by or under contract to a charter school shall be  
18 certified as required by chapter 231. A charter school  
19 governing board may employ or contract with skilled selected  
20 noncertified personnel to provide instructional services or to  
21 assist instructional staff members as education  
22 paraprofessionals in the same manner as defined in chapter  
23 231, and as provided by the governing board's rules and  
24 procedures ~~State Board of Education rule for charter school~~  
25 ~~governing boards.~~ However, all teachers must submit to  
26 background checks and fingerprinting as required by s. 231.17.  
27 The charter school governing board must approve employment of  
28 noncertified teachers or teachers teaching out of their field  
29 of certification. Those teachers must be mentored by a  
30 certified teacher who shall evaluate in writing their ability  
31 to teach the subject matter in accordance with rules

1 established by the governing board for this purpose. This  
2 evaluation shall be submitted to the charter school governing  
3 board at the end of the school year and must be considered in  
4 any decision regarding employment of the noncertified teacher  
5 for the following school year.A charter school may not  
6 knowingly employ an individual to provide instructional  
7 services or to serve as an education paraprofessional if the  
8 individual's certification or licensure as an educator is  
9 suspended or revoked by this or any other state. A charter  
10 school may not knowingly employ an individual who has resigned  
11 from a school district in lieu of disciplinary action with  
12 respect to child welfare or safety, or who has been dismissed  
13 for just cause by any school district with respect to child  
14 welfare or safety. The qualifications of teachers shall be  
15 disclosed to parents.

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

21 (15)~~(14)~~ REVENUE.--Students enrolled in a charter  
22 school, regardless of the sponsorship, shall be funded as if  
23 they are in a basic program or a special program, the same as  
24 students enrolled in other public schools in the school  
25 district. Funding for a chartered developmental research  
26 school shall be as provided in s. 228.053(9).

27 (a) Each charter school shall report its student  
28 enrollment to the district school board as required in s.  
29 236.081, and in accordance with the definitions in s. 236.013.  
30 The district school board shall include each charter school's  
31 enrollment in the district's report of student enrollment. All

1 charter schools submitting student record information required  
2 by the Department of Education shall comply with the  
3 department's guidelines for electronic data formats for such  
4 data, and all districts shall accept electronic data that  
5 complies with the department's electronic format.

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

27 (c) Transportation of charter school students shall be  
28 provided by the charter school consistent with the  
29 requirements of chapter 234. The governing body of the charter  
30 school may provide transportation through an agreement or  
31 contract with the district school board, a private provider,

1 or parents. The charter school and the sponsor shall cooperate  
2 in making arrangements that ensure that transportation is not  
3 a barrier to equal access for all students residing within a  
4 reasonable distance of the charter school as determined in its  
5 charter.

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

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

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

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

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



1 maintenance funds or any other maintenance funds generated by  
2 the facility operated as a conversion school shall remain with  
3 the conversion school.

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

11 (16)~~(15)~~ IMMUNITY.--For the purposes of tort  
12 liability, the governing body and employees of a charter  
13 school shall be governed by s. 768.28.

14 (17)~~(16)~~ LENGTH OF SCHOOL YEAR.--A charter school  
15 shall provide instruction for at least the number of days  
16 required by law for other public schools, and may provide  
17 instruction for additional days.

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

19 (a) A charter school shall use ~~utilize~~ facilities that  
20 ~~which~~ comply with the Florida Building Code and the Florida  
21 Fire Prevention Code or with the applicable provisions of the  
22 Florida Building Code, excluding section 423, and the  
23 applicable provisions of the Florida Fire Prevention Code,  
24 excluding section 5 the State Uniform Building Code for Public  
25 Educational Facilities Construction adopted pursuant to s.  
26 235.26 or with applicable state minimum building codes  
27 pursuant to chapter 553 and state minimum fire protection  
28 codes pursuant to s. 633.025, as adopted by the authority in  
29 whose jurisdiction the facility is located.

30 (b) Any facility, or portion thereof, used to house a  
31 charter school whose charter has been approved by the sponsor

1 and the governing board, pursuant to subsection (9), shall be  
2 exempt from ad valorem taxes pursuant to s. 196.1983.

3       (c) Charter school facilities are exempt from  
4 assessments of fees for building permits, except as provided  
5 in s. 553.80, and from impact fees or service availability  
6 fees ~~After January 1, 2001, charter school facilities shall~~  
7 ~~utilize facilities which comply with the Florida Building~~  
8 ~~Code, pursuant to chapter 553, and the Florida Fire Prevention~~  
9 ~~Code, pursuant to chapter 633.~~

10       (d) Any charter school to be newly constructed shall  
11 be a new public educational facility for purposes of s.  
12 235.193(5) and (6).

13       ~~(19)~~~~(18)~~ INITIAL COSTS.--A sponsor may approve a  
14 charter for a charter school before the applicant has secured  
15 space, equipment, or personnel, if the applicant indicates  
16 approval is necessary for it to raise working capital.

17       ~~(20)~~~~(19)~~ INFORMATION.--The Department of Education  
18 shall provide information to the public, directly and through  
19 sponsors, both on how to form and operate a charter school and  
20 on how to enroll in charter schools once they are created.  
21 This information shall include a standard application format  
22 which shall include the information specified in subsection  
23 (9). This application format may be used by chartering  
24 entities.

25       ~~(21)~~~~(20)~~ GENERAL AUTHORITY.--A charter school shall  
26 not levy taxes or issue bonds secured by tax revenues.

27       ~~(22)~~~~(21)~~ REVIEW.--

28       (a) The Department of Education shall regularly  
29 convene a Charter School Review Panel in order to review  
30 issues, practices, and policies regarding charter schools. The  
31 composition of the review panel shall include individuals with

1 experience in finance, administration, law, education, and  
 2 school governance, and individuals familiar with charter  
 3 school construction and operation. The panel shall include two  
 4 appointees each from the Commissioner of Education, the  
 5 President of the Senate, and the Speaker of the House of  
 6 Representatives. The Governor shall appoint three members of  
 7 the panel and shall designate the chair. Each member of the  
 8 panel shall serve a 1-year term, unless renewed by the office  
 9 making the appointment. The panel shall make recommendations  
 10 to the Legislature, to the Department of Education, to charter  
 11 schools, and to school districts for improving charter school  
 12 operations and oversight and for ensuring best business  
 13 practices at and fair business relationships with charter  
 14 schools.

15 (b) The Legislature shall review the operation of  
 16 charter schools during the 2005 Regular Session of the  
 17 Legislature.

18 (23)~~(22)~~ RULEMAKING.--The Department of Education,  
 19 after consultation with school districts and charter school  
 20 directors, shall recommend that the State Board of Education  
 21 adopt rules to implement specific subsections of this section.  
 22 Such rules shall require minimum paperwork and shall not limit  
 23 charter school flexibility authorized by statute.

24 (24)~~(23)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER  
 25 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS  
 26 IN-A-MUNICIPALITY.--

27 (a) In order to increase business partnerships in  
 28 education, to reduce school and classroom overcrowding  
 29 throughout the state, to encourage developers of residential  
 30 and other projects to provide school infrastructure concurrent  
 31 with school impacts, to promote and encourage local

1 communities to participate in and advance the cause of  
 2 neighborhood schools, and to offset the high costs for  
 3 educational facilities construction, the Legislature intends  
 4 to encourage the formation of business partnership schools or  
 5 satellite learning centers through charter school status.

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

17 (c) A charter school-in-a-municipality designation may  
 18 be granted to a municipality that possesses a charter; enrolls  
 19 students based upon a random lottery that involves all of the  
 20 children of the residents of that municipality who are seeking  
 21 enrollment, as provided for in subsection (8)(6); and enrolls  
 22 students according to the racial/ethnic balance provisions  
 23 described in subparagraph (11)(a)8.(9)(a)8. Any portion of  
 24 the land and facility used for a public charter school shall  
 25 be exempt from ad valorem taxes, as provided for in s.  
 26 235.198, for the duration of its use as a public school.

27 (d) As used in this subsection, the terms "business  
 28 partner," "employer," "developer," or "municipality" may  
 29 include more than one business, employer, developer, or  
 30 municipality to form a charter school-in-the-workplace,  
 31

1 charter school-in-a-development, or charter  
2 school-in-a-municipality.

3 Section 2. Subsections (1) and (5) of section  
4 228.0561, Florida Statutes, are amended to read:

5 228.0561 Charter schools capital outlay funding.--

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

1 enrollment by one-fifteenth of the cost-per-student station  
2 specified in s. 235.435(6)(b) for an elementary, middle, or  
3 high school, as appropriate. If the funds appropriated are  
4 not sufficient, the commissioner shall prorate the available  
5 funds among eligible charter schools. A dedicated funding  
6 source, if identified in writing by the Commissioner of  
7 Education and submitted along with the annual charter school  
8 legislative budget request, may be considered an additional  
9 source of funding. Funds shall be distributed on the basis of  
10 the capital outlay full-time equivalent membership by grade  
11 level, which shall be calculated by averaging the results of  
12 the second and third enrollment surveys. The Department of  
13 Education shall distribute capital outlay funds monthly,  
14 beginning in the first quarter of the fiscal year, based on  
15 one-twelfth of the amount the department reasonably expects  
16 the charter school to receive during that fiscal year. The  
17 commissioner shall adjust subsequent distributions as  
18 necessary to reflect each charter school's actual student  
19 enrollment as reflected in the second and third enrollment  
20 surveys. The commissioner shall establish the intervals and  
21 procedures for determining the projected and actual student  
22 enrollment of eligible charter schools.

23 (5) The annual legislative budget request of the  
24 Department of Education shall include a request for capital  
25 outlay funding for charter schools. The request shall be  
26 based on the projected number of students to be served in  
27 charter schools who meet the eligibility requirements of this  
28 section. This budget request may also be accompanied by a  
29 written statement from the Commissioner of Education  
30 requesting that a dedicated funding source identified by the  
31

1 commissioner be used to supplement that year's charter school  
2 funding.

3 Section 3. Subsection (5) of section 235.193, Florida  
4 Statutes, is amended to read:

5 235.193 Coordination of planning with local governing  
6 bodies.--

7 (5) As early in the design phase as feasible, but at  
8 least before commencing construction of a new public  
9 educational facility, including a charter school,the local  
10 governing body that regulates the use of land shall determine,  
11 in writing within 90 days after receiving the necessary  
12 information and a school board's request or charter school  
13 governing body's request for a determination, whether a  
14 proposed public educational facility is consistent with the  
15 local comprehensive plan and local land development  
16 regulations, to the extent that the regulations are not in  
17 conflict with or the subject regulated is not specifically  
18 addressed by this chapter or the State Uniform Building Code,  
19 unless mutually agreed. If the determination is affirmative,  
20 school construction may proceed and further local government  
21 approvals are not required, except as provided in this  
22 section. Failure of the local governing body to make a  
23 determination in writing within 90 days after a school board's  
24 request or charter school governing body's request for a  
25 determination of consistency shall be considered an approval  
26 of the school board's application or charter school governing  
27 body's application.

28 Section 4. This act shall take effect July 1, 2002.  
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