

1                   A bill to be entitled  
2     An act relating to charter schools; amending s. 1002.33,  
3     F.S.; authorizing the reconstitution of an existing  
4     charter school; revising charter school purposes; revising  
5     the charter school application process including review,  
6     approval or denial, and appeal; revising provisions  
7     relating to a charter agreement, term, and renewal;  
8     revising causes for nonrenewal or termination of a  
9     charter; revising provisions relating to payment and  
10    reimbursement to a charter school by a school district;  
11    authorizing certain zoning and land use designations for  
12    certain charter school facilities; revising exemption from  
13    assessment of fees; providing for additional services to  
14    charter schools and revising administrative fee  
15    requirements; requiring a Department of Education study  
16    and report relating to the administrative fee; revising  
17    information provided to the public; establishing the  
18    Florida Charter School Accountability Authority and  
19    providing for appointment of an authority board of  
20    trustees; providing duties and responsibilities to  
21    disseminate best practices, to sponsor, evaluate, and  
22    oversee charter schools, and to provide charter school  
23    information to the department; authorizing receipt and  
24    expenditure of funds; amending s. 1012.01, F.S.; defining  
25    charter school instructional personnel; amending s.  
26    1012.231, F.S.; providing that the salary career ladder  
27    for classroom teachers shall apply to charter school  
28    classroom teachers; amending s. 1012.74, F.S.; providing

29 that educator professional liability insurance shall cover  
 30 charter school personnel; amending s. 1013.62, F.S.;  
 31 revising provisions relating to eligibility for and  
 32 allocation of charter school capital outlay funding;  
 33 revising purposes for which capital outlay funds may be  
 34 used; providing an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Section 1002.33, Florida Statutes, is amended  
 39 to read:

40 1002.33 Charter schools.--

41 (1) AUTHORIZATION.--Charter schools shall be part of the  
 42 state's program of public education. All charter schools in  
 43 Florida are public schools. A charter school may be formed by  
 44 creating a new school, ~~or~~ converting an existing public school  
 45 to charter status, or reconstituting an existing charter school.  
 46 A public school may not use the term charter in its name unless  
 47 it has been approved under this section.

48 (2) GUIDING PRINCIPLES; PURPOSE.--

49 (a) Charter schools in Florida shall be guided by the  
 50 following principles:

51 1. Meet high standards of student achievement while  
 52 providing parents flexibility to choose among diverse  
 53 educational opportunities within the state's public school  
 54 system.

55 2. Promote enhanced academic success and financial  
 56 efficiency by aligning responsibility with accountability.

57           3. Provide parents with sufficient information on whether  
 58 their child is reading at grade level and whether the child  
 59 gains at least a year's worth of learning for every year spent  
 60 in the charter school.

61           (b) Charter schools shall fulfill one or more of the  
 62 following purposes:

63           1. Improve student learning and academic achievement.

64           2. Increase learning opportunities for all students, with  
 65 special emphasis on low-performing students and reading.

66           3. Create new professional opportunities for teachers,  
 67 including ownership of the learning program at the school site.

68           4. Encourage the use of innovative learning methods.

69           ~~5. Require the measurement of learning outcomes.~~

70           (c) Charter schools may fulfill the following purposes:

71           1. Create innovative measurement tools.

72           2. Provide rigorous competition within the public school  
 73 district to stimulate continual improvement in all public  
 74 schools.

75           3. Expand the capacity of the public school system.

76           4. Mitigate the educational impact created by the  
 77 development of new residential dwelling units.

78           (3) APPLICATION FOR CHARTER STATUS.--

79           (a) An application for a new charter school may be made by  
 80 an individual, teachers, parents, a group of individuals, a  
 81 municipality, or a legal entity organized under the laws of this  
 82 state.

83           (b) An application for a conversion charter school shall  
 84 be made by the district school board, the principal, teachers,

85 | parents, and/or the school advisory council at an existing  
 86 | public school that has been in operation for at least 2 years  
 87 | prior to the application to convert. ~~including~~ A public school-  
 88 | within-a-school that is designated as a school by the district  
 89 | school board may also submit an application to convert to  
 90 | charter status. An application submitted proposing to convert an  
 91 | existing public school to a charter school shall demonstrate the  
 92 | support of at least 50 percent of the teachers employed at the  
 93 | school and 50 percent of the parents voting whose children are  
 94 | enrolled at the school, provided that a majority of the parents  
 95 | eligible to vote participate in the ballot process, according to  
 96 | rules adopted by the State Board of Education. A district school  
 97 | board denying an application for a conversion charter school  
 98 | shall provide notice of denial to the applicants in writing  
 99 | within 10 ~~30~~ days after the meeting at which the district school  
 100 | board denied the application. The notice must specify the  
 101 | specific ~~exact~~ reasons for denial and must provide documentation  
 102 | supporting those reasons. A private school, parochial school, or  
 103 | home education program shall not be eligible for charter school  
 104 | status.

105 | (4) UNLAWFUL REPRISAL.--

106 | (a) No district school board, or district school board  
 107 | employee who has control over personnel actions, shall take  
 108 | unlawful reprisal against another district school board employee  
 109 | because that employee is either directly or indirectly involved  
 110 | with an application to establish a charter school. As used in  
 111 | this subsection, the term "unlawful reprisal" means an action  
 112 | taken by a district school board or a school system employee

113 against an employee who is directly or indirectly involved in a  
114 lawful application to establish a charter school, which occurs  
115 as a direct result of that involvement, and which results in one  
116 or more of the following: disciplinary or corrective action;  
117 adverse transfer or reassignment, whether temporary or  
118 permanent; suspension, demotion, or dismissal; an unfavorable  
119 performance evaluation; a reduction in pay, benefits, or  
120 rewards; elimination of the employee's position absent of a  
121 reduction in workforce as a result of lack of moneys or work; or  
122 other adverse significant changes in duties or responsibilities  
123 that are inconsistent with the employee's salary or employment  
124 classification. The following procedures shall apply to an  
125 alleged unlawful reprisal that occurs as a consequence of an  
126 employee's direct or indirect involvement with an application to  
127 establish a charter school:

128       1. Within 60 days after the date upon which a reprisal  
129 prohibited by this subsection is alleged to have occurred, an  
130 employee may file a complaint with the Department of Education.

131       2. Within 3 working days after receiving a complaint under  
132 this section, the Department of Education shall acknowledge  
133 receipt of the complaint and provide copies of the complaint and  
134 any other relevant preliminary information available to each of  
135 the other parties named in the complaint, which parties shall  
136 each acknowledge receipt of such copies to the complainant.

137       3. If the Department of Education determines that the  
138 complaint demonstrates reasonable cause to suspect that an  
139 unlawful reprisal has occurred, the Department of Education  
140 shall conduct an investigation to produce a fact-finding report.

141           4. Within 90 days after receiving the complaint, the  
142 Department of Education shall provide the district school  
143 superintendent of the complainant's district and the complainant  
144 with a fact-finding report that may include recommendations to  
145 the parties or a proposed resolution of the complaint. The fact-  
146 finding report shall be presumed admissible in any subsequent or  
147 related administrative or judicial review.

148           5. If the Department of Education determines that  
149 reasonable grounds exist to believe that an unlawful reprisal  
150 has occurred, is occurring, or is to be taken, and is unable to  
151 conciliate a complaint within 60 days after receipt of the fact-  
152 finding report, the Department of Education shall terminate the  
153 investigation. Upon termination of any investigation, the  
154 Department of Education shall notify the complainant and the  
155 district school superintendent of the termination of the  
156 investigation, providing a summary of relevant facts found  
157 during the investigation and the reasons for terminating the  
158 investigation. A written statement under this paragraph is  
159 presumed admissible as evidence in any judicial or  
160 administrative proceeding.

161           6. The Department of Education shall either contract with  
162 the Division of Administrative Hearings under s. 120.65, or  
163 otherwise provide for a complaint for which the Department of  
164 Education determines reasonable grounds exist to believe that an  
165 unlawful reprisal has occurred, is occurring, or is to be taken,  
166 and is unable to conciliate, to be heard by a panel of impartial  
167 persons. Upon hearing the complaint, the panel shall make

168 findings of fact and conclusions of law for a final decision by  
 169 the Department of Education.

170  
 171 It shall be an affirmative defense to any action brought  
 172 pursuant to this section that the adverse action was predicated  
 173 upon grounds other than, and would have been taken absent, the  
 174 employee's exercise of rights protected by this section.

175 (b) In any action brought under this section for which it  
 176 is determined reasonable grounds exist to believe that an  
 177 unlawful reprisal has occurred, is occurring, or is to be taken,  
 178 the relief shall include the following:

179 1. Reinstatement of the employee to the same position held  
 180 before the unlawful reprisal was commenced, or to an equivalent  
 181 position, or payment of reasonable front pay as alternative  
 182 relief.

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

185 3. Compensation, if appropriate, for lost wages, benefits,  
 186 or other lost remuneration caused by the unlawful reprisal.

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

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

192 6. Temporary reinstatement to the employee's former  
 193 position or to an equivalent position, pending the final outcome  
 194 of the complaint, if it is determined that the action was not  
 195 made in bad faith or for a wrongful purpose, and did not occur

196 after a district school board's initiation of a personnel action  
 197 against the employee that includes documentation of the  
 198 employee's violation of a disciplinary standard or performance  
 199 deficiency.

200 (5) SPONSOR; DUTIES.--

201 (a) Sponsoring entities.--

202 1. A district school board may sponsor a charter school in  
 203 the county over which the district school board has  
 204 jurisdiction.

205 2. A state university may grant a charter to a lab school  
 206 created under s. 1002.32 and shall be considered to be the  
 207 school's sponsor. Such school shall be considered a charter lab  
 208 school.

209 3. The Florida Charter School Accountability Authority may  
 210 sponsor a charter school.

211 (b) Sponsor duties.--

212 1. The sponsor shall monitor and review the charter school  
 213 in its progress toward the goals established in the charter.

214 2. The sponsor shall monitor the revenues and expenditures  
 215 of the charter school.

216 3. The sponsor may approve a charter for a charter school  
 217 before the applicant has secured space, equipment, or personnel,  
 218 if the applicant indicates approval is necessary for it to raise  
 219 working funds ~~capital~~.

220 4. The sponsor's policies shall not apply to a charter  
 221 school, unless mutually agreed to by both the sponsor and the  
 222 charter school.



223           5. The sponsor shall ensure that the charter is innovative  
 224 and consistent with the state education goals established by s.  
 225 1000.03(5).

226           6. The sponsor shall ensure that the charter school  
 227 participates in the state's education accountability system. If  
 228 a charter school falls short of performance measures included in  
 229 the approved charter, the sponsor shall report such shortcomings  
 230 to the Department of Education.

231  
 232 A community college may work with the school district or school  
 233 districts in its designated service area to develop charter  
 234 schools that offer secondary education. These charter schools  
 235 must include an option for students to receive an associate  
 236 degree upon high school graduation. District school boards shall  
 237 cooperate with and assist the community college on the charter  
 238 application. Community college applications for charter schools  
 239 are not subject to the time deadlines outlined in subsection (6)  
 240 and may be approved by the district school board at any time  
 241 during the year. Community colleges shall not report FTE for any  
 242 students who receive FTE funding through the Florida Education  
 243 Finance Program.

244           (6) APPLICATION PROCESS AND REVIEW.--Charter school  
 245 ~~Beginning September 1, 2003,~~ applications are subject to the  
 246 following requirements:

247           (a) A person or entity wishing to open a charter school  
 248 shall prepare an application that:

249 1. Demonstrates how the school will use the guiding  
 250 principles and meet the statutorily defined purpose of a charter  
 251 school.

252 2. Provides a detailed curriculum plan that illustrates  
 253 how students will be provided services to attain the Sunshine  
 254 State Standards.

255 3. Contains goals and objectives for improving student  
 256 learning and measuring that improvement. These goals and  
 257 objectives must indicate how much academic improvement students  
 258 are expected to show each year, how success will be evaluated,  
 259 and the specific results to be attained through instruction.

260 4. Describes the reading curriculum and differentiated  
 261 strategies that will be used for students reading at grade level  
 262 or higher and a separate curriculum and strategies for students  
 263 who are reading below grade level. A sponsor shall deny a  
 264 charter if the school does not propose a reading curriculum that  
 265 is consistent with effective teaching strategies that are  
 266 grounded in scientifically based reading research.

267 5. Contains an annual financial plan for each year  
 268 requested by the charter for operation of the school for up to 5  
 269 years. This plan must contain anticipated fund balances based on  
 270 revenue projections, a spending plan based on projected revenues  
 271 and expenses, and a description of controls that will safeguard  
 272 finances and projected enrollment trends.

273 (b) A district school board shall receive and review all  
 274 applications for a charter school. Beginning with the 2005-2006  
 275 school year, a district school board shall receive and consider  
 276 charter school applications received on or before June ~~September~~

277 1 of each calendar year for charter schools to be opened at the  
278 beginning of the school district's next school year, or to be  
279 opened at a time agreed to by the applicant and the district  
280 school board. A district school board may receive applications  
281 later than this date if it chooses. A sponsor may not charge an  
282 applicant for a charter any fee for the processing or  
283 consideration of an application, and a sponsor may not base its  
284 consideration or approval of an application upon the promise of  
285 future payment of any kind.

286 1. In order to facilitate an accurate budget projection  
287 process, a district school board shall be held harmless for FTE  
288 students who are not included in the FTE projection due to  
289 approval of charter school applications after the FTE projection  
290 deadline. In a further effort to facilitate an accurate budget  
291 projection, within 15 calendar days after receipt of a charter  
292 school application, a district school board or other sponsor  
293 shall report to the Department of Education the name of the  
294 applicant entity, the proposed charter school location, and its  
295 projected FTE.

296 2. In order to ensure fiscal responsibility, an  
297 application for a charter school shall include a full accounting  
298 of expected assets, a projection of expected sources and amounts  
299 of income, including income derived from projected student  
300 enrollments and from community support, and an expense  
301 projection that includes full accounting of the costs of  
302 operation, including start-up costs.

303 3. A district school board shall by a majority vote  
304 approve or deny an application no later than 60 calendar days

305 after the application is received, unless the district school  
306 board and the applicant mutually agree in writing to temporarily  
307 postpone the vote for an additional 30 days to a specific date,  
308 at which time the district school board shall by a majority vote  
309 approve or deny the application. If the district school board  
310 fails to act on the application, an applicant may appeal to the  
311 State Board of Education as provided in paragraph (c). If an  
312 application is denied, the district school board shall, within  
313 10 calendar days, articulate in writing the specific reasons for  
314 ~~based upon good cause supporting~~ its denial of the charter  
315 application and must provide documentation supporting those  
316 reasons.

317 4. For budget projection purposes, the district school  
318 board or other sponsor shall report to the Department of  
319 Education the approval or denial of a charter application within  
320 10 calendar days after such approval or denial. In the event of  
321 approval, the report to the Department of Education shall  
322 include the final projected FTE for the approved charter school.

323 5. Upon approval of a charter application, the initial  
324 school year ~~startup~~ shall commence with the beginning of the  
325 public school calendar for the district in which the charter is  
326 granted unless the district school board allows a waiver of this  
327 provision ~~for good cause~~.

328 (c) An applicant may appeal any denial of that applicant's  
329 application or failure to act on an application to the State  
330 Board of Education no later than 30 calendar days after receipt  
331 of the district school board's decision or failure to act and  
332 shall notify the district school board of its appeal. Any

333 response of the district school board shall be submitted to the  
334 State Board of Education within 30 calendar days after  
335 notification of the appeal. Upon receipt of notification from  
336 the State Board of Education that a charter school applicant is  
337 filing an appeal, the Commissioner of Education shall convene a  
338 meeting of the Charter School Appeal Commission to study and  
339 make recommendations to the State Board of Education regarding  
340 its pending decision about the appeal. The commission shall  
341 forward its recommendation to the state board no later than 7  
342 calendar days prior to the date on which the appeal is to be  
343 heard. The State Board of Education shall by majority vote  
344 accept or reject the decision of the district school board no  
345 later than 90 calendar days after an appeal is filed in  
346 accordance with State Board of Education rule. The Charter  
347 School Appeal Commission may reject an appeal submission for  
348 failure to comply with procedural rules governing the appeals  
349 process. The rejection shall describe the submission errors. The  
350 appellant may have up to 15 calendar days from notice of  
351 rejection to resubmit an appeal that meets requirements of State  
352 Board of Education rule. An application for appeal submitted  
353 subsequent to such rejection shall be considered timely if the  
354 original appeal was filed within 30 calendar days after receipt  
355 of notice of the specific reasons for the district school  
356 board's denial of the charter application. The State Board of  
357 Education shall remand the application to the district school  
358 board with its written decision that the district school board  
359 approve or deny the application. The district school board shall  
360 implement the decision of the State Board of Education. The

361 decision of the State Board of Education is not subject to the  
 362 provisions of the Administrative Procedure Act, chapter 120.

363 (d) The district school board shall act upon the decision  
 364 of the State Board of Education within 30 calendar days after it  
 365 is received. The State Board of Education's decision is a final  
 366 action subject to judicial review.

367 (e)1. A Charter School Appeal Commission is established to  
 368 assist the commissioner and the State Board of Education with a  
 369 fair and impartial review of appeals by applicants whose charter  
 370 applications have been denied, whose charter contracts have not  
 371 been renewed or have been terminated by their sponsors, or whose  
 372 disputes over contract negotiations have not been resolved  
 373 through mediation.

374 2. The Charter School Appeal Commission may receive copies  
 375 of the appeal documents forwarded to the State Board of  
 376 Education, review the documents, gather other applicable  
 377 information regarding the appeal, and make a written  
 378 recommendation to the commissioner. The recommendation must  
 379 state whether the appeal should be upheld or denied and include  
 380 the reasons for the recommendation being offered. The  
 381 commissioner shall forward the recommendation to the State Board  
 382 of Education no later than 7 calendar days prior to the date on  
 383 which the appeal is to be heard. The state board must consider  
 384 the commission's recommendation in making its decision, but is  
 385 not bound by the recommendation. The decision of the Charter  
 386 School Appeal Commission is not subject to the provisions of the  
 387 Administrative Procedure Act, chapter 120.

388           3. The commissioner shall appoint the members of the  
389 Charter School Appeal Commission. Members shall serve without  
390 compensation but may be reimbursed for travel and per diem  
391 expenses in conjunction with their service. One-half of the  
392 members must represent currently operating charter schools, and  
393 one-half of the members must represent school districts. The  
394 commissioner or a named designee shall chair the Charter School  
395 Appeal Commission.

396           4. The chair shall convene meetings of the commission and  
397 shall ensure that the written recommendations are completed and  
398 forwarded in a timely manner. In cases where the commission  
399 cannot reach a decision, the chair shall make the written  
400 recommendation with justification, noting that the decision was  
401 rendered by the chair.

402           5. Commission members shall thoroughly review the  
403 materials presented to them from the appellant and the sponsor.  
404 The commission may request information to clarify the  
405 documentation presented to it. In the course of its review, the  
406 commission may facilitate the postponement of an appeal in those  
407 cases where additional time and communication may negate the  
408 need for a formal appeal and both parties agree, in writing, to  
409 postpone the appeal to the State Board of Education. A new date  
410 certain for the appeal shall then be set based upon the rules  
411 and procedures of the State Board of Education. Commission  
412 members shall provide a written recommendation to the state  
413 board as to whether the appeal should be upheld or denied. A  
414 fact-based justification for the recommendation must be  
415 included. The chair must ensure that the written recommendation

416 is submitted to the State Board of Education members no later  
417 than 7 calendar days prior to the date on which the appeal is to  
418 be heard. Both parties in the case shall also be provided a copy  
419 of the recommendation.

420 (f) The Department of Education may provide technical  
421 assistance to an applicant upon written request.

422 (g) In considering charter applications for a lab school,  
423 a state university shall consult with the district school board  
424 of the county in which the lab school is located. The decision  
425 of a state university may be appealed pursuant to the procedure  
426 established in this subsection.

427 (h) A decision of the Florida Charter School  
428 Accountability Authority with respect to application for a  
429 charter school may be appealed pursuant to the procedure  
430 established in this subsection.

431 (i)~~(h)~~ The terms and conditions for the operation of a  
432 charter school shall be set forth by the sponsor and the  
433 applicant in a written contractual agreement, called a charter.  
434 The sponsor shall not impose unreasonable rules or regulations  
435 that violate the intent of giving charter schools greater  
436 flexibility to meet educational goals. The applicant and sponsor  
437 shall have 3 ~~6~~ months in which to mutually agree to the  
438 provisions of the charter. The charter must be provided to the  
439 charter school at least 7 calendar days prior to the date on  
440 which the charter is scheduled to be heard by the sponsor. The  
441 Department of Education shall provide mediation services for any  
442 dispute regarding this section subsequent to the approval of a  
443 charter application and for any dispute relating to the approved



444 charter, except disputes regarding charter school application  
 445 denials. If the Commissioner of Education determines that the  
 446 dispute cannot be settled through mediation, the dispute may be  
 447 appealed to an administrative law judge appointed by the  
 448 Division of Administrative Hearings. The administrative law  
 449 judge may rule on issues of equitable treatment of the charter  
 450 school as a public school, whether proposed provisions of the  
 451 charter violate the intended flexibility granted charter schools  
 452 by statute, or on any other matter regarding this section except  
 453 a charter school application denial, a charter termination, or a  
 454 charter nonrenewal and shall award the prevailing party  
 455 reasonable attorney's fees and costs incurred to be paid by the  
 456 losing party. The costs of the administrative hearing shall be  
 457 paid by the party whom the administrative law judge rules  
 458 against.

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

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

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

468 2. The focus of the curriculum, the instructional methods  
 469 to be used, any distinctive instructional techniques to be  
 470 employed, and identification and acquisition of appropriate  
 471 technologies needed to improve educational and administrative

472 performance which include a means for promoting safe, ethical,  
473 and appropriate uses of technology which comply with legal and  
474 professional standards. The charter shall ensure that reading is  
475 a primary focus of the curriculum and that resources are  
476 provided to identify and provide specialized instruction for  
477 students who are reading below grade level. The curriculum and  
478 instructional strategies for reading must be consistent with the  
479 Sunshine State Standards and grounded in scientifically based  
480 reading research.

481 3. The current incoming baseline standard of student  
482 academic achievement, the outcomes to be achieved, and the  
483 method of measurement that will be used. The criteria listed in  
484 this subparagraph shall include a detailed description for each  
485 of the following:

486 a. How the baseline student academic achievement levels  
487 and prior rates of academic progress will be established.

488 b. How these baseline rates will be compared to rates of  
489 academic progress achieved by these same students while  
490 attending the charter school.

491 c. To the extent possible, how these rates of progress  
492 will be evaluated and compared with rates of progress of other  
493 closely comparable student populations.

494  
495 The district school board is required to provide academic  
496 student performance data to charter schools for each of their  
497 students coming from the district school system, as well as  
498 rates of academic progress of comparable student populations in  
499 the district school system.

500           4. The methods used to identify the educational strengths  
501 and needs of students and how well educational goals and  
502 performance standards are met by students attending the charter  
503 school. Included in the methods is a means for the charter  
504 school to ensure accountability to its constituents by analyzing  
505 student performance data and by evaluating the effectiveness and  
506 efficiency of its major educational programs. Students in  
507 charter schools shall, at a minimum, participate in the  
508 statewide assessment program created under s. 1008.22.

509           5. In secondary charter schools, a method for determining  
510 that a student has satisfied the requirements for graduation in  
511 s. 1003.43.

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

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

516           8. The ways by which the school will achieve a  
517 racial/ethnic balance reflective of the community it serves or  
518 within the racial/ethnic range of other public schools in the  
519 same school district.

520           9. The financial and administrative management of the  
521 school, including a reasonable demonstration of the professional  
522 experience or competence of those individuals or organizations  
523 applying to operate the charter school or those hired or  
524 retained to perform such professional services and the  
525 description of clearly delineated responsibilities and the  
526 policies and practices needed to effectively manage the charter  
527 school. A description of internal audit procedures and

528 establishment of controls to ensure that financial resources are  
529 properly managed must be included. Both public sector and  
530 private sector professional experience shall be equally valid in  
531 such a consideration.

532 10. The asset and liability projections required in the  
533 application which are incorporated into the charter and which  
534 shall be compared with information provided in the annual report  
535 of the charter school. The charter shall ensure that, if a  
536 charter school internal audit reveals a deficit financial  
537 position, the auditors are required to notify the charter school  
538 governing board, the sponsor, and the Department of Education.  
539 The internal auditor shall report such findings in the form of  
540 an exit interview to the principal or the principal  
541 administrator of the charter school and the chair of the  
542 governing board within 7 working days after finding the deficit  
543 position. A final report shall be provided to the entire  
544 governing board, the sponsor, and the Department of Education  
545 within 14 working days after the exit interview.

546 11. A description of procedures that identify various  
547 risks and provide for a comprehensive approach to reduce the  
548 impact of losses; plans to ensure the safety and security of  
549 students and staff; plans to identify, minimize, and protect  
550 others from violent or disruptive student behavior; and the  
551 manner in which the school will be insured, including whether or  
552 not the school will be required to have liability insurance,  
553 and, if so, the terms and conditions thereof and the amounts of  
554 coverage.

555           12. The term of the charter which shall provide for  
 556 cancellation of the charter if insufficient progress has been  
 557 made in attaining the student achievement objectives of the  
 558 charter and if it is not likely that such objectives can be  
 559 achieved before expiration of the charter. The initial term of a  
 560 charter shall be for ~~3, 4, or~~ 5 years. In order to facilitate  
 561 access to long-term financial resources for charter school  
 562 construction, charter schools that are operated by a  
 563 municipality or other public entity as provided by law are  
 564 eligible for up to a 15-year charter, subject to approval by the  
 565 district school board. A charter lab school is eligible for a  
 566 charter for a term of up to 15 years. In addition, to facilitate  
 567 access to long-term financial resources for charter school  
 568 construction, charter schools that are operated by a private,  
 569 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 570 up to a 15-year ~~10-year~~ charter, subject to approval by the  
 571 district school board. Such long-term charters remain subject to  
 572 annual review and may be terminated during the term of the  
 573 charter, but only ~~for specific good cause~~ according to the  
 574 provisions set forth in subsection (8).

575           13. The facilities to be used and their location.

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

579           15. The governance structure of the school, including the  
 580 status of the charter school as a public or private employer as  
 581 required in paragraph (12)(i).

582           16. A timetable for implementing the charter which  
 583 addresses the implementation of each element thereof and the  
 584 date by which the charter shall be awarded in order to meet this  
 585 timetable.

586           17. In the case of an existing public school being  
 587 converted to charter status, alternative arrangements for  
 588 current students who choose not to attend the charter school and  
 589 for current teachers who choose not to teach in the charter  
 590 school after conversion in accordance with the existing  
 591 collective bargaining agreement or district school board rule in  
 592 the absence of a collective bargaining agreement. However,  
 593 alternative arrangements shall not be required for current  
 594 teachers who choose not to teach in a charter lab school, except  
 595 as authorized by the employment policies of the state university  
 596 which grants the charter to the lab school.

597           (b) A charter may be renewed ~~every 5 school years,~~  
 598 provided that a program review demonstrates that the criteria in  
 599 paragraph (a) have been successfully accomplished and that none  
 600 of the grounds for nonrenewal established by paragraph (8)(a)  
 601 has been documented. In order to facilitate long-term financing  
 602 for charter school construction, charter schools operating for a  
 603 minimum of 2 years and demonstrating exemplary academic  
 604 programming and fiscal management shall be granted ~~are eligible~~  
 605 ~~for~~ a 15-year charter renewal. Such long-term charter is subject  
 606 to annual review and may be terminated during the term of the  
 607 charter.

608           (c) A charter may be modified during its initial term or  
 609 any renewal term upon the recommendation of the sponsor or the

610 charter school governing board and the approval of both parties  
 611 to the agreement.

612 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

613 (a) At the end of the term of a charter, the sponsor may  
 614 choose not to renew the charter for any of the following  
 615 grounds:

616 1. Failure to participate in the state's education  
 617 accountability system created in s. 1008.31, as required in this  
 618 section, or failure to meet the requirements for student  
 619 performance stated in the charter.

620 2. Failure to meet generally accepted standards of fiscal  
 621 management.

622 3. Violation of law.

623 4. Determination by the sponsor that the health, safety,  
 624 or welfare of the students is threatened ~~Other good cause shown.~~

625 (b) During the term of a charter, the sponsor may  
 626 terminate the charter for any of the grounds listed in paragraph  
 627 (a).

628 (c) At least 90 days prior to renewing or terminating a  
 629 charter, the sponsor shall notify the governing body of the  
 630 school of the proposed action in writing. The notice shall state  
 631 in reasonable detail the grounds for the proposed action and  
 632 stipulate that the school's governing body may, within 14  
 633 calendar days after receiving the notice, request an informal  
 634 hearing before the sponsor. The sponsor shall conduct the  
 635 informal hearing within 30 calendar days after receiving a  
 636 written request. The charter school's governing body may, within  
 637 14 calendar days after receiving the sponsor's decision to

638 terminate or refuse to renew the charter, appeal the decision  
639 pursuant to the procedure established in subsection (6).

640 (d) A charter may be terminated immediately if the sponsor  
641 determines that ~~good cause has been shown or if~~ the health,  
642 safety, or welfare of the students is threatened. The school  
643 district in which the charter school is located shall assume  
644 operation of the school under these circumstances. The charter  
645 school's governing board may, within 14 days after receiving the  
646 sponsor's decision to terminate the charter, appeal the decision  
647 pursuant to the procedure established in subsection (6).

648 (e) When a charter is not renewed or is terminated, the  
649 school shall be dissolved under the provisions of law under  
650 which the school was organized, and any unencumbered public  
651 funds, except for capital outlay funds, from the charter school  
652 shall revert to the sponsor ~~district school board~~. Capital  
653 outlay funds provided pursuant to s. 1013.62 that are  
654 unencumbered shall revert to the department to be redistributed  
655 among eligible charter schools. In the event a charter school is  
656 dissolved or is otherwise terminated, all district school board  
657 property and improvements, furnishings, and equipment purchased  
658 with public funds shall automatically revert to full ownership  
659 by the district school board, subject to complete satisfaction  
660 of any lawful liens or encumbrances. Any unencumbered public  
661 funds from the charter school, district school board property  
662 and improvements, furnishings, and equipment purchased with  
663 public funds, or financial or other records pertaining to the  
664 charter school, in the possession of any person, entity, or  
665 holding company, other than the charter school, shall be held in



666 trust upon the district school board's request, until any appeal  
667 status is resolved.

668 (f) If a charter is not renewed or is terminated, the  
669 charter school is responsible for all debts of the charter  
670 school. The district may not assume the debt from any contract  
671 for services made between the governing body of the school and a  
672 third party, except for a debt that is previously detailed and  
673 agreed upon in writing by both the district and the governing  
674 body of the school and that may not reasonably be assumed to  
675 have been satisfied by the district.

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

680 (9) CHARTER SCHOOL REQUIREMENTS.--

681 (a) A charter school shall be nonsectarian in its  
682 programs, admission policies, employment practices, and  
683 operations.

684 (b) A charter school shall admit students as provided in  
685 subsection (10).

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

688 (d) A charter school shall not charge tuition or  
689 registration fees, except those fees normally charged by other  
690 public schools. However, a charter lab school may charge a  
691 student activity and service fee as authorized by s. 1002.32(5).

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

694 (f) A charter school shall not violate the  
 695 antidiscrimination provisions of s. 1000.05.

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

698 (h) No organization shall hold more than 25 ~~15~~ charters  
 699 statewide.

700 (i) In order to provide financial information that is  
 701 comparable to that reported for other public schools, charter  
 702 schools are to maintain all financial records which constitute  
 703 their accounting system:

704 1. In accordance with the accounts and codes prescribed in  
 705 the most recent issuance of the publication titled "Financial  
 706 and Program Cost Accounting and Reporting for Florida Schools";  
 707 or

708 2. At the discretion of the charter school governing  
 709 board, a charter school may elect to follow generally accepted  
 710 accounting standards for not-for-profit organizations, but must  
 711 reformat this information for reporting according to this  
 712 paragraph.

713  
 714 Charter schools are to provide annual financial report and  
 715 program cost report information in the state-required formats  
 716 for inclusion in district reporting in compliance with s.  
 717 1011.60(1). Charter schools that are operated by a municipality  
 718 or are a component unit of a parent nonprofit organization may  
 719 use the accounting system of the municipality or the parent but  
 720 must reformat this information for reporting according to this  
 721 paragraph.

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

724 (k) The governing body of the charter school shall  
725 exercise continuing oversight over charter school operations.

726 (l) The governing body of the charter school shall report  
727 its progress annually to its sponsor, which shall forward the  
728 report to the Commissioner of Education at the same time as  
729 other annual school accountability reports. The Department of  
730 Education shall include in its compilation a notation if a  
731 school failed to file its report by the deadline established by  
732 the department. The report shall include at least the following  
733 components:

734 1. Student achievement performance data, including the  
735 information required for the annual school report and the  
736 education accountability system governed by ss. 1008.31 and  
737 1008.345. Charter schools are subject to the same accountability  
738 requirements as other public schools, including reports of  
739 student achievement information that links baseline student data  
740 to the school's performance projections identified in the  
741 charter. The charter school shall identify reasons for any  
742 difference between projected and actual student performance.

743 2. Financial status of the charter school which must  
744 include revenues and expenditures at a level of detail that  
745 allows for analysis of the ability to meet financial obligations  
746 and timely repayment of debt.

747 3. Documentation of the facilities in current use and any  
748 planned facilities for use by the charter school for instruction  
749 of students, administrative functions, or investment purposes.

750           4. Descriptive information about the charter school's  
751 personnel, including salary and benefit levels of charter school  
752 employees, the proportion of instructional personnel who hold  
753 professional or temporary certificates, and the proportion of  
754 instructional personnel teaching in-field or out-of-field.

755           (m) A charter school shall not levy taxes or issue bonds  
756 secured by tax revenues.

757           (n) A charter school shall provide instruction for at  
758 least the number of days required by law for other public  
759 schools, and may provide instruction for additional days.

760           (10) ELIGIBLE STUDENTS.--

761           (a) A charter school shall be open to any student covered  
762 in an interdistrict agreement or residing in the school district  
763 in which the charter school is located; however, in the case of  
764 a charter lab school, the charter lab school shall be open to  
765 any student eligible to attend the lab school as provided in s.  
766 1002.32 or who resides in the school district in which the  
767 charter lab school is located. Any eligible student shall be  
768 allowed interdistrict transfer to attend a charter school when  
769 based on good cause.

770           (b) The charter school shall enroll an eligible student  
771 who submits a timely application, unless the number of  
772 applications exceeds the capacity of a program, class, grade  
773 level, or building. In such case, all applicants shall have an  
774 equal chance of being admitted through a random selection  
775 process.

776 (c) When a public school converts to charter status,  
777 enrollment preference shall be given to students who would have  
778 otherwise attended that public school.

779 (d) A charter school may give enrollment preference to the  
780 following student populations:

781 1. Students who are siblings of a student enrolled in the  
782 charter school.

783 2. Students who are the children of a member of the  
784 governing board of the charter school.

785 3. Students who are the children of an employee of the  
786 charter school.

787 (e) A charter school may limit the enrollment process only  
788 to target the following student populations:

789 1. Students within specific age groups or grade levels.

790 2. Students considered at risk of dropping out of school  
791 or academic failure. Such students shall include exceptional  
792 education students.

793 3. Students enrolling in a charter school-in-the-workplace  
794 or charter school-in-a-municipality established pursuant to  
795 subsection (15).

796 4. Students residing within a reasonable distance of the  
797 charter school, as described in paragraph (20)(c). Such students  
798 shall be subject to a random lottery and to the racial/ethnic  
799 balance provisions described in subparagraph (7)(a)8. or any  
800 federal provisions that require a school to achieve a  
801 racial/ethnic balance reflective of the community it serves or  
802 within the racial/ethnic range of other public schools in the  
803 same school district.

804           5. Students who meet reasonable academic, artistic, or  
 805 other eligibility standards established by the charter school  
 806 and included in the charter school application and charter or,  
 807 in the case of existing charter schools, standards that are  
 808 consistent with the school's mission and purpose. Such standards  
 809 shall be in accordance with current state law and practice in  
 810 public schools and may not discriminate against otherwise  
 811 qualified individuals.

812           6. Students articulating from one charter school to  
 813 another pursuant to an articulation agreement between the  
 814 charter schools that has been approved by the sponsor.

815           (f) Students with handicapping conditions and students  
 816 served in English for Speakers of Other Languages programs shall  
 817 have an equal opportunity of being selected for enrollment in a  
 818 charter school.

819           (g) A student may withdraw from a charter school at any  
 820 time and enroll in another public school as determined by  
 821 district school board rule.

822           (h) The capacity of the charter school shall be determined  
 823 annually by the governing board, in conjunction with the  
 824 sponsor, of the charter school in consideration of the factors  
 825 identified in this subsection.

826           (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
 827 ACTIVITIES.--A charter school student is eligible to participate  
 828 in an interscholastic extracurricular activity at the public  
 829 school to which the student would be otherwise assigned to  
 830 attend pursuant to s. 1006.15(3)(d).

831           (12) EMPLOYEES OF CHARTER SCHOOLS.--

832 (a) A charter school shall select its own employees. A  
833 charter school may contract with its sponsor for the services of  
834 personnel employed by the sponsor.

835 (b) Charter school employees shall have the option to  
836 bargain collectively. Employees may collectively bargain as a  
837 separate unit or as part of the existing district collective  
838 bargaining unit as determined by the structure of the charter  
839 school.

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

843 (d) The teachers at a charter school may choose to be part  
844 of a professional group that subcontracts with the charter  
845 school to operate the instructional program under the auspices  
846 of a partnership or cooperative that they collectively own.  
847 Under this arrangement, the teachers would not be public  
848 employees.

849 (e) Employees of a school district may take leave to  
850 accept employment in a charter school upon the approval of the  
851 district school board. While employed by the charter school and  
852 on leave that is approved by the district school board, the  
853 employee may retain seniority accrued in that school district  
854 and may continue to be covered by the benefit programs of that  
855 school district, if the charter school and the district school  
856 board agree to this arrangement and its financing. School  
857 districts shall not require resignations of teachers desiring to  
858 teach in a charter school. This paragraph shall not prohibit a

859 district school board from approving alternative leave  
860 arrangements consistent with chapter 1012.

861 (f) Teachers employed by or under contract to a charter  
862 school shall be certified as required by chapter 1012. A charter  
863 school governing board may employ or contract with skilled  
864 selected noncertified personnel to provide instructional  
865 services or to assist instructional staff members as education  
866 paraprofessionals in the same manner as defined in chapter 1012,  
867 and as provided by State Board of Education rule for charter  
868 school governing boards. A charter school may not knowingly  
869 employ an individual to provide instructional services or to  
870 serve as an education paraprofessional if the individual's  
871 certification or licensure as an educator is suspended or  
872 revoked by this or any other state. A charter school may not  
873 knowingly employ an individual who has resigned from a school  
874 district in lieu of disciplinary action with respect to child  
875 welfare or safety, or who has been dismissed for just cause by  
876 any school district with respect to child welfare or safety. The  
877 qualifications of teachers shall be disclosed to parents.

878 (g) A charter school shall employ or contract with  
879 employees who have undergone background screening as provided in  
880 s. 1012.32. Members of the governing board of the charter school  
881 shall also undergo background screening in a manner similar to  
882 that provided in s. 1012.32.

883 (h) For the purposes of tort liability, the governing body  
884 and employees of a charter school shall be governed by s.  
885 768.28.



886 (i) A charter school shall organize as, or be operated by,  
 887 a nonprofit organization. A charter school may be operated by a  
 888 municipality or other public entity as provided for by law. As  
 889 such, the charter school may be either a private or a public  
 890 employer. As a public employer, a charter school may participate  
 891 in the Florida Retirement System upon application and approval  
 892 as a "covered group" under s. 121.021(34). If a charter school  
 893 participates in the Florida Retirement System, the charter  
 894 school employees shall be compulsory members of the Florida  
 895 Retirement System. As either a private or a public employer, a  
 896 charter school may contract for services with an individual or  
 897 group of individuals who are organized as a partnership or a  
 898 cooperative. Individuals or groups of individuals who contract  
 899 their services to the charter school are not public employees.

900 (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
 901 enter into cooperative agreements to form charter school  
 902 cooperative organizations that may provide the following  
 903 services: charter school planning and development, direct  
 904 instructional services, and contracts with charter school  
 905 governing boards to provide personnel administrative services,  
 906 payroll services, human resource management, evaluation and  
 907 assessment services, teacher preparation, and professional  
 908 development.

909 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
 910 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
 911 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to  
 912 borrow or otherwise secure funds for a charter school authorized  
 913 in this section from a source other than the state or a school

914 district shall indemnify the state and the school district from  
915 any and all liability, including, but not limited to, financial  
916 responsibility for the payment of the principal or interest. Any  
917 loans, bonds, or other financial agreements are not obligations  
918 of the state or the school district but are obligations of the  
919 charter school authority and are payable solely from the sources  
920 of funds pledged by such agreement. The credit or taxing power  
921 of the state or the school district shall not be pledged and no  
922 debts shall be payable out of any moneys except those of the  
923 legal entity in possession of a valid charter approved by a  
924 district school board pursuant to this section.

925 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
926 A-MUNICIPALITY.--

927 (a) In order to increase business partnerships in  
928 education, to reduce school and classroom overcrowding  
929 throughout the state, and to offset the high costs for  
930 educational facilities construction, the Legislature intends to  
931 encourage the formation of business partnership schools or  
932 satellite learning centers and municipal-operated schools  
933 through charter school status.

934 (b) A charter school-in-the-workplace may be established  
935 when a business partner provides the school facility to be used;  
936 enrolls students based upon a random lottery that involves all  
937 of the children of employees of that business or corporation who  
938 are seeking enrollment, as provided for in subsection (10); and  
939 enrolls students according to the racial/ethnic balance  
940 provisions described in subparagraph (7)(a)8. Any portion of a  
941 facility used for a public charter school shall be exempt from

942 ad valorem taxes, as provided for in s. 1013.54, for the  
943 duration of its use as a public school.

944 (c) A charter school-in-a-municipality designation may be  
945 granted to a municipality that possesses a charter; enrolls  
946 students based upon a random lottery that involves all of the  
947 children of the residents of that municipality who are seeking  
948 enrollment, as provided for in subsection (10); and enrolls  
949 students according to the racial/ethnic balance provisions  
950 described in subparagraph (7)(a)8. When a municipality has  
951 submitted charter applications for the establishment of a  
952 charter school feeder pattern, consisting of elementary, middle,  
953 and senior high schools, and each individual charter application  
954 is approved by the district school board, such schools shall  
955 then be designated as one charter school for all purposes listed  
956 pursuant to this section. Any portion of the land and facility  
957 used for a public charter school shall be exempt from ad valorem  
958 taxes, as provided for in s. 1013.54, for the duration of its  
959 use as a public school.

960 (d) As used in this subsection, the terms "business  
961 partner" or "municipality" may include more than one business or  
962 municipality to form a charter school-in-the-workplace or  
963 charter school-in-a-municipality.

964 (16) EXEMPTION FROM STATUTES.--

965 (a) A charter school shall operate in accordance with its  
966 charter and shall be exempt from all statutes in chapters 1000-  
967 1013. However, a charter school shall be in compliance with the  
968 following statutes in chapters 1000-1013:

969           1. Those statutes specifically applying to charter  
 970 schools, including this section.

971           2. Those statutes pertaining to the student assessment  
 972 program and school grading system.

973           3. Those statutes pertaining to the provision of services  
 974 to students with disabilities.

975           4. Those statutes pertaining to civil rights, including s.  
 976 1000.05, relating to discrimination.

977           5. Those statutes pertaining to student health, safety,  
 978 and welfare.

979           (b) Additionally, a charter school shall be in compliance  
 980 with the following statutes:

981           1. Section 286.011, relating to public meetings and  
 982 records, public inspection, and criminal and civil penalties.

983           2. Chapter 119, relating to public records.

984           (17) FUNDING.--Students enrolled in a charter school,  
 985 regardless of the sponsorship, shall be funded as if they are in  
 986 a basic program or a special program, the same as students  
 987 enrolled in other public schools in the school district. Funding  
 988 for a charter lab school shall be as provided in s. 1002.32.

989           (a) Each charter school shall report its student  
 990 enrollment to the district school board as required in s.  
 991 1011.62, and in accordance with the definitions in s. 1011.61.  
 992 The district school board shall include each charter school's  
 993 enrollment in the district's report of student enrollment. All  
 994 charter schools submitting student record information required  
 995 by the Department of Education shall comply with the Department  
 996 of Education's guidelines for electronic data formats for such

997 data, and all districts shall accept electronic data that  
998 complies with the Department of Education's electronic format.

999 (b) The basis for the agreement for funding students  
1000 enrolled in a charter school shall be the sum of the school  
1001 district's operating funds from the Florida Education Finance  
1002 Program as provided in s. 1011.62 and the General Appropriations  
1003 Act, including gross state and local funds, discretionary  
1004 lottery funds, and funds from the school district's current  
1005 operating discretionary millage levy; divided by total funded  
1006 weighted full-time equivalent students in the school district;  
1007 multiplied by the weighted full-time equivalent students for the  
1008 charter school. Charter schools whose students or programs meet  
1009 the eligibility criteria in law shall be entitled to their  
1010 proportionate share of categorical program funds included in the  
1011 total funds available in the Florida Education Finance Program  
1012 by the Legislature, including transportation. Total funding for  
1013 each charter school shall be recalculated during the year to  
1014 reflect the revised calculations under the Florida Education  
1015 Finance Program by the state and the actual weighted full-time  
1016 equivalent students reported by the charter school during the  
1017 full-time equivalent student survey periods designated by the  
1018 Commissioner of Education.

1019 (c) If the district school board is providing programs or  
1020 services to students funded by federal funds, any eligible  
1021 students enrolled in charter schools in the school district  
1022 shall be provided federal funds for the same level of service  
1023 provided students in the schools operated by the district school  
1024 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all

1025 charter schools shall receive all federal funding for which the  
 1026 school is otherwise eligible, including Title I funding, not  
 1027 later than 5 months after the charter school first opens and  
 1028 within 5 months after any subsequent expansion of enrollment.

1029 (d) District school boards shall make ~~every effort to~~  
 1030 ~~ensure that charter schools receive~~ timely and efficient  
 1031 reimbursement to charter schools, including processing paperwork  
 1032 required to access special state and federal funding for which  
 1033 they may be eligible. The district school board may distribute  
 1034 funds to a charter school for up to 3 months based on the  
 1035 projected full-time equivalent student membership of the charter  
 1036 school. Thereafter, the results of full-time equivalent student  
 1037 membership surveys shall be used in adjusting the amount of  
 1038 funds distributed monthly to the charter school for the  
 1039 remainder of the fiscal year. The payment shall be issued no  
 1040 later than 10 working days after the district school board  
 1041 receives a distribution of state or federal funds. If a warrant  
 1042 for payment is not issued within 10 ~~30~~ working days after  
 1043 receipt of funding by the district school board, the school  
 1044 district shall pay to the charter school, in addition to the  
 1045 amount of the scheduled disbursement, interest at a rate of 5 ~~1~~  
 1046 percent per month calculated on a daily basis on the unpaid  
 1047 balance from the expiration of the 10-day ~~30-day~~ period until  
 1048 such time as the warrant is issued. Failure by the school  
 1049 district to make timely payments and reimbursements may result  
 1050 in the potential withholding of additional funds to the school  
 1051 district by the Commissioner of Education.

1052 (18) FACILITIES.--

1053 (a) A charter school shall utilize facilities which comply  
 1054 with the Florida Building Code pursuant to chapter 553 except  
 1055 for the State Requirements for Educational Facilities. Charter  
 1056 schools are not required to comply, but may choose to comply,  
 1057 with the State Requirements for Educational Facilities of the  
 1058 Florida Building Code adopted pursuant to s. 1013.37. The local  
 1059 governing authority shall not adopt or impose local building  
 1060 requirements or restrictions that are more stringent than those  
 1061 found in the Florida Building Code. The agency having  
 1062 jurisdiction for inspection of a facility and issuance of a  
 1063 certificate of occupancy shall be the local municipality or, if  
 1064 in an unincorporated area, the county governing authority.

1065 (b) A charter school shall utilize facilities that comply  
 1066 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
 1067 as adopted by the authority in whose jurisdiction the facility  
 1068 is located as provided in paragraph (a).

1069 (c) Any facility, or portion thereof, used to house a  
 1070 charter school whose charter has been approved by the sponsor  
 1071 and the governing board, pursuant to subsection (7), shall be  
 1072 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
 1073 community service, museum, performing arts, theatre, cinema,  
 1074 community college, college, and university facilities may host  
 1075 charter schools within their facilities under their preexisting  
 1076 zoning and land use designations.

1077 (d) Charter school facilities are exempt from assessments  
 1078 of fees for building permits, except as provided in s. 553.80,  
 1079 fees and for building and occupational licenses, and ~~from~~  
 1080 ~~assessments of~~ impact fees or service availability fees.

1081 (e) If a district school board facility or property is  
1082 available because it is surplus, marked for disposal, or  
1083 otherwise unused, it shall be provided for a charter school's  
1084 use on the same basis as it is made available to other public  
1085 schools in the district. A charter school receiving property  
1086 from the school district may not sell or dispose of such  
1087 property without written permission of the school district.  
1088 Similarly, for an existing public school converting to charter  
1089 status, no rental or leasing fee for the existing facility or  
1090 for the property normally inventoried to the conversion school  
1091 may be charged by the district school board to the parents and  
1092 teachers organizing the charter school. The charter school  
1093 ~~organizers~~ shall agree to reasonable maintenance provisions in  
1094 order to maintain the facility in a manner similar to district  
1095 school board standards. The Public Education Capital Outlay  
1096 maintenance funds or any other maintenance funds generated by  
1097 the facility operated as a conversion school shall remain with  
1098 the conversion school.

1099 (f) To the extent that charter school facilities are  
1100 specifically created to mitigate the educational impact created  
1101 by the development of new residential dwelling units, pursuant  
1102 to subparagraph (2)(c)4., some of or all of the educational  
1103 impact fees required to be paid in connection with the new  
1104 residential dwelling units may be designated instead for the  
1105 construction of the charter school facilities that will mitigate  
1106 the student station impact. Such facilities shall be built to  
1107 the State Requirements for Educational Facilities and shall be  
1108 owned by a public or nonprofit entity. The local school district



1109 retains the right to monitor and inspect such facilities to  
 1110 ensure compliance with the State Requirements for Educational  
 1111 Facilities. If a facility ceases to be used for public  
 1112 educational purposes, either the facility shall revert to the  
 1113 school district subject to any debt owed on the facility, or the  
 1114 owner of the facility shall have the option to refund all  
 1115 educational impact fees utilized for the facility to the school  
 1116 district. The district and the owner of the facility may  
 1117 contractually agree to another arrangement for the facilities if  
 1118 the facilities cease to be used for educational purposes. The  
 1119 owner of property planned or approved for new residential  
 1120 dwelling units and the entity levying educational impact fees  
 1121 shall enter into an agreement that designates the educational  
 1122 impact fees that will be allocated for the charter school  
 1123 student stations and that ensures the timely construction of the  
 1124 charter school student stations concurrent with the expected  
 1125 occupancy of the residential units. The application for use of  
 1126 educational impact fees shall include an approved charter school  
 1127 application. To assist the school district in forecasting  
 1128 student station needs, the entity levying the impact fees shall  
 1129 notify the affected district of any agreements it has approved  
 1130 for the purpose of mitigating student station impact from the  
 1131 new residential dwelling units.

1132 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible  
 1133 for capital outlay funds pursuant to s. 1013.62.

1134 (20) SERVICES.--

1135 (a)1. A sponsor shall provide certain administrative and  
 1136 educational services to charter schools. These services shall

1137 | include contract management services; full-time equivalent and  
 1138 | data reporting services; exceptional student education  
 1139 | administration and evaluation services; eligibility and  
 1140 | reporting services as may be required to ensure school lunch  
 1141 | services consistent with the needs of charter school students;  
 1142 | test administration services, including payment of the costs of  
 1143 | state-required or district-required student assessments;  
 1144 | processing of teacher certificate data services; and information  
 1145 | services, including equal access to student information systems  
 1146 | that are used by public schools in the district in which the  
 1147 | charter school is located. A total administrative fee for the  
 1148 | provision of such services shall be calculated based upon up to  
 1149 | 5 percent of the available funds defined in paragraph (17)(b)  
 1150 | for all students. However, a sponsor may only withhold up to a  
 1151 | 5-percent administrative fee for enrollment for up to and  
 1152 | including 500 students. For charter schools with a population of  
 1153 | 501 or more students, the difference between the total  
 1154 | administrative fee calculation and the amount of the  
 1155 | administrative fee withheld may only be used for capital outlay  
 1156 | purposes specified in s. 1013.62~~(4)(2)~~. Sponsors shall not  
 1157 | charge charter schools any additional fees or surcharges for  
 1158 | administrative and educational services in addition to the  
 1159 | maximum 5-percent administrative fee withheld pursuant to this  
 1160 | paragraph.

1161 | 2. The Department of Education shall conduct a study of  
 1162 | the administrative fee withheld by the school districts. The  
 1163 | study shall include, but is not limited to, the total amount of  
 1164 | funds withheld, the number of charter school students served,

1165 and the services provided. By December 1, 2005, the department  
 1166 shall report its findings to the Governor, the President of the  
 1167 Senate, the Speaker of the House of Representatives, and the  
 1168 Commissioner of Education.

1169 (b) If goods and services are made available to the  
 1170 charter school through the contract with the school district,  
 1171 they shall be provided to the charter school at a rate no  
 1172 greater than the district's actual cost unless mutually agreed  
 1173 upon by the charter school and the sponsor in a contract  
 1174 negotiated separately from the charter. When mediation has  
 1175 failed to resolve disputes over contracted services or  
 1176 contractual matters not included in the charter, an appeal may  
 1177 be made for a dispute resolution hearing before the Charter  
 1178 School Appeal Commission. To maximize the use of state funds,  
 1179 school districts shall allow charter schools to participate in  
 1180 the sponsor's bulk purchasing program if applicable.

1181 (c) Transportation of charter school students shall be  
 1182 provided by the charter school consistent with the requirements  
 1183 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
 1184 body of the charter school may provide transportation through an  
 1185 agreement or contract with the district school board, a private  
 1186 provider, or parents. The charter school and the sponsor shall  
 1187 cooperate in making arrangements that ensure that transportation  
 1188 is not a barrier to equal access for all students residing  
 1189 within a reasonable distance of the charter school as determined  
 1190 in its charter.

1191 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
 1192 Department of Education shall provide information to the public,

1193 directly and through sponsors, both on how to form and operate a  
 1194 charter school and on how to enroll in charter schools once they  
 1195 are created. This information shall include a standard  
 1196 application format, charter format, and charter renewal format  
 1197 which shall include the information specified in subsection (7).  
 1198 These formats shall ~~This application format may be used as~~  
 1199 guidelines by charter school sponsors ~~chartering entities~~.

1200 (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--

1201 (a) The Department of Education shall staff and regularly  
 1202 convene a Charter School Review Panel in order to review issues,  
 1203 practices, and policies regarding charter schools. The  
 1204 composition of the review panel shall include individuals with  
 1205 experience in finance, administration, law, education, and  
 1206 school governance, and individuals familiar with charter school  
 1207 construction and operation. The panel shall include two  
 1208 appointees each from the Commissioner of Education, the  
 1209 President of the Senate, and the Speaker of the House of  
 1210 Representatives. The Governor shall appoint three members of the  
 1211 panel and shall designate the chair. Each member of the panel  
 1212 shall serve a 1-year term, unless renewed by the office making  
 1213 the appointment. The panel shall make recommendations to the  
 1214 Legislature, to the Department of Education, to charter schools,  
 1215 and to school districts for improving charter school operations  
 1216 and oversight and for ensuring best business practices at and  
 1217 fair business relationships with charter schools.

1218 (b) The Legislature shall review the operation of charter  
 1219 schools during the 2010 ~~2005~~ Regular Session of the Legislature.

1220 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt  
 1221 of the annual report required by paragraph (9)(1), the  
 1222 Department of Education shall provide to the State Board of  
 1223 Education, the Commissioner of Education, the Governor, the  
 1224 President of the Senate, and the Speaker of the House of  
 1225 Representatives an analysis and comparison of the overall  
 1226 performance of charter school students, to include all students  
 1227 whose scores are counted as part of the statewide assessment  
 1228 program, versus comparable public school students in the  
 1229 district as determined by the statewide assessment program  
 1230 currently administered in the school district, and other  
 1231 assessments administered pursuant to s. 1008.22(3).

1232 (24) FLORIDA CHARTER SCHOOL ACCOUNTABILITY AUTHORITY.--

1233 (a) The Florida Charter School Accountability Authority  
 1234 (FCSAA) is established as a component of the delivery of public  
 1235 education within Florida's K-20 education system and shall be  
 1236 funded through the Department of Education. Unless otherwise  
 1237 provided by law, the authority shall comply with all laws and  
 1238 rules applicable to state agencies. The authority shall report  
 1239 to the State Board of Education and the Chancellor for K-12  
 1240 Public Schools as required.

1241 (b) The mission of the FCSAA is to encourage and  
 1242 facilitate innovation, educational excellence, and high  
 1243 standards of financial and educational accountability for  
 1244 charter schools in the state.

1245 (c)1. There is hereby created a Board of Trustees for the  
 1246 Florida Charter School Accountability Authority which shall  
 1247 consist of nine members appointed by the Governor based on

1248 recommendations by the President of the Senate, the Speaker of  
 1249 the House of Representatives, and the Commissioner of Education.  
 1250 The Governor shall designate one appointee to act as chair of  
 1251 the board of trustees and may remove any member for cause. Each  
 1252 member shall serve a 2-year term, and all vacancies shall be  
 1253 filled by the Governor.

1254 2. Members appointed to the authority shall have  
 1255 experience or expertise in at least one of the following areas:

1256 a. Experience as a charter school board member or founder  
 1257 of a charter school.

1258 b. Experience as a public school administrator working  
 1259 with charter schools.

1260 c. Experience as a public school teacher.

1261 d. Experience in financial management.

1262 e. Expertise in charter school law.

1263 f. Expertise in school district special education.

1264 g. Expertise in curriculum and assessment.

1265 3. The board of trustees shall hold public meetings at  
 1266 least quarterly with additional meetings called by the chair or  
 1267 upon the request of three members of the board of trustees. Five  
 1268 members of the board of trustees shall constitute a quorum. The  
 1269 board of trustees shall retain an executive director and staff  
 1270 and shall act at all times in accordance with rules of the State  
 1271 Board of Education.

1272 (d) The FCSAA shall:

1273 1. Establish regional offices as necessary to accomplish  
 1274 its duties and functions, including coordination and  
 1275 collaboration with the local district school boards.

1276           2. Develop, promote, and disseminate best practices and  
 1277 provide technical assistance to charter schools and charter  
 1278 school sponsors.

1279           3. Develop, promote, and disseminate high standards of  
 1280 financial and educational accountability.

1281           4. Have the authority to sponsor and oversee charter  
 1282 schools.

1283           5. Deliver accurate information to the Department of  
 1284 Education, including, but not limited to, best practices,  
 1285 financial management and school budgets, and student  
 1286 performance, assessment, and accountability standards for  
 1287 charter schools in the state, to be included on the department's  
 1288 website for charter schools.

1289           6. Be designated as a local educational agency.

1290           7. Annually review and evaluate the performance of each  
 1291 charter school sponsored by the FCSAA and measure its compliance  
 1292 with the terms and requirements of its charter, including the  
 1293 assessment of student achievement in the charter school.

1294           8. Direct charter schools and persons seeking to establish  
 1295 charter schools to sources of private, state, and federal  
 1296 funding and grant opportunities.

1297           9. Have the authority to adopt rules pursuant to ss.  
 1298 120.536(1) and 120.54.

1299           10. Have the authority to contract for services with a  
 1300 school district at a cost no greater than the school district's  
 1301 actual cost, unless mutually agreed to by the parties.

1302           (e)1. The FCSAA is authorized to receive and expend gifts,  
 1303 grants, and donations of any kind from any public or private

1304 entity to carry out the purposes of this subsection, subject to  
 1305 the terms and conditions under which given, except that no gift,  
 1306 grant, or donation shall be accepted if the terms and conditions  
 1307 attached thereto are contrary to law.

1308 2. The FCSAA shall not be obligated to commence operations  
 1309 necessary to receive charter school applications until such time  
 1310 as the authority has received \$100,000, whether received from  
 1311 gifts, grants, donations, or other sources.

1312 3. The FCSAA shall retain up to 5 percent of the available  
 1313 funds defined in paragraph (17)(b) as an administrative fee for  
 1314 the provision of services.

1315 ~~(25)~~~~(24)~~ RULEMAKING.--The Department of Education, after  
 1316 consultation with school districts and charter school directors,  
 1317 shall recommend that the State Board of Education adopt rules to  
 1318 implement specific subsections of this section. Such rules shall  
 1319 require minimum paperwork and shall not limit charter school  
 1320 flexibility authorized by statute.

1321 Section 2. Paragraph (f) is added to subsection (2) of  
 1322 section 1012.01, Florida Statutes, to read:

1323 1012.01 Definitions.--Specific definitions shall be as  
 1324 follows, and wherever such defined words or terms are used in  
 1325 the Florida K-20 Education Code, they shall be used as follows:

1326 (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"  
 1327 means any K-12 staff member whose function includes the  
 1328 provision of direct instructional services to students.  
 1329 Instructional personnel also includes K-12 personnel whose  
 1330 functions provide direct support in the learning process of



1331 students. Included in the classification of instructional  
 1332 personnel are the following K-12 personnel:  
 1333 (f) Charter school instructional personnel.--Charter  
 1334 school instructional personnel are classroom teachers, student  
 1335 personnel services staff members, librarians/media specialists,  
 1336 other instructional staff, and education paraprofessionals  
 1337 employed in a charter school.

1338 Section 3. Subsection (1) of section 1012.231, Florida  
 1339 Statutes, is amended to read:

1340 1012.231 BEST Florida Teaching salary career ladder  
 1341 program; assignment of teachers.--

1342 (1) SALARY CAREER LADDER FOR CLASSROOM  
 1343 TEACHERS.--Beginning with the 2005-2006 academic year, each  
 1344 district school board shall implement a salary career ladder for  
 1345 classroom teachers, including charter school classroom teachers,  
 1346 as defined in s. 1012.01(2)(a). Performance shall be defined as  
 1347 designated in s. 1012.34(3)(a)1.-7. District school boards shall  
 1348 designate categories of classroom teachers reflecting these  
 1349 salary career ladder levels as follows:

1350 (a) Associate teacher.--Classroom teachers in the school  
 1351 district who have not yet received a professional certificate or  
 1352 those with a professional certificate who are evaluated as low-  
 1353 performing teachers.

1354 (b) Professional teacher.--Classroom teachers in the  
 1355 school district who have received a professional certificate.

1356 (c) Lead teacher.--Classroom teachers in the school  
 1357 district who are responsible for leading others in the school as  
 1358 department chair, lead teacher, grade-level leader, intern

1359 coordinator, or professional development coordinator. Lead  
1360 teachers must participate on a regular basis in the direct  
1361 instruction of students and serve as faculty for professional  
1362 development activities as determined by the State Board of  
1363 Education. To be eligible for designation as a lead teacher, a  
1364 teacher must demonstrate outstanding performance pursuant to s.  
1365 1012.34(3)(a)1.-7. and must have been a "professional teacher"  
1366 pursuant to paragraph (b) for at least 1 year.

1367 (d) Mentor teacher.--Classroom teachers in the school  
1368 district who serve as regular mentors to other teachers who are  
1369 either not performing satisfactorily or who strive to become  
1370 more proficient. Mentor teachers must serve as faculty-based  
1371 professional development coordinators and regularly demonstrate  
1372 and share their expertise with other teachers in order to remain  
1373 mentor teachers. Mentor teachers must also participate on a  
1374 regular basis in the direct instruction of low-performing  
1375 students. To be eligible for designation as a mentor teacher, a  
1376 teacher must demonstrate outstanding performance pursuant to s.  
1377 1012.34(3)(a)1.-7. and must have been a "lead teacher" pursuant  
1378 to paragraph (c) for at least 2 years.

1379  
1380 Promotion of a teacher to a higher level on the salary career  
1381 ladder shall be based upon prescribed performance criteria and  
1382 not based upon length of service.

1383 Section 4. Subsection (2) of section 1012.74, Florida  
1384 Statutes, is amended to read:

1385 1012.74 Florida educators professional liability insurance  
1386 protection.--

1387 (2)(a) Educator professional liability coverage for all  
 1388 instructional personnel, including charter school instructional  
 1389 personnel, as defined by s. 1012.01(2), who are full-time  
 1390 personnel, as defined by the district school board policy, shall  
 1391 be provided by specific appropriations under the General  
 1392 Appropriations Act.

1393 (b) Educator professional liability coverage shall be  
 1394 extended at cost to all instructional personnel, including  
 1395 charter school instructional personnel, as defined by s.  
 1396 1012.01(2), who are part-time personnel, as defined by the  
 1397 district school board policy, and choose to participate in the  
 1398 state-provided program.

1399 (c) Educator professional liability coverage shall be  
 1400 extended at cost to all administrative personnel, including  
 1401 administrative personnel in charter schools, as defined by s.  
 1402 1012.01(3), who choose to participate in the state-provided  
 1403 program.

1404 Section 5. Section 1013.62, Florida Statutes, is amended  
 1405 to read:

1406 1013.62 Charter schools capital outlay funding.--

1407 (1) In each year in which funds are appropriated for  
 1408 charter school capital outlay purposes, the Commissioner of  
 1409 Education shall allocate the funds among eligible charter  
 1410 schools. To be eligible for a funding allocation, a charter  
 1411 school must be one of the following:

1412 (a) The same school that received capital outlay funding  
 1413 in 2003-2004.

1414 (b) A charter school that is an expanded feeder pattern of  
 1415 a charter school that received capital outlay funding in 2003-  
 1416 2004.

1417 (2) If an appropriation for charter school capital outlay  
 1418 funds is less than the 2003-2004 appropriation, the funds shall  
 1419 be prorated among schools eligible pursuant to subsection (1).

1420 (3) If an appropriation for charter school capital outlay  
 1421 funds is greater than the 2003-2004 appropriation, the funds  
 1422 shall be allocated to schools eligible pursuant to subsection  
 1423 (1) and to charter schools that:

1424 (a)1. Have been in operation for 3 or more years;

1425 2. Are ~~Be~~ an expanded feeder chain of a charter school  
 1426 within the same school district that is currently receiving  
 1427 charter school capital outlay funds; or

1428 3. Have been accredited by the Commission on Schools of  
 1429 the Southern Association of Colleges and Schools.

1430 (b) Have financial stability for future operation as a  
 1431 charter school.

1432 (c) Have satisfactory student achievement based on state  
 1433 accountability standards applicable to the charter school.

1434 (d) Have received final approval from its sponsor pursuant  
 1435 to s. 1002.33 for operation during that fiscal year.

1436 (e) Serve students in facilities that are not provided by  
 1437 the charter school's sponsor.

1438  
 1439 First priority for allocating the amount in excess of the 2003-  
 1440 2004 appropriation shall be to prorate the excess funds among  
 1441 charter schools with long-term debt or long-term lease to the

1442 extent that the initial allocation is insufficient to provide  
1443 one-fifteenth of the cost-per-student station specified in s.  
1444 1013.64(6)(b), and second priority shall be to other eligible  
1445 charter schools. Prior to the release of capital outlay funds to  
1446 a school district on behalf of the charter school, the  
1447 Department of Education shall ensure that the district school  
1448 board and the charter school governing board enter into a  
1449 written agreement that includes provisions for the reversion of  
1450 any unencumbered funds and all equipment and property purchased  
1451 with public education funds to the ownership of the district  
1452 school board, as provided for in subsection (5)~~(3)~~, in the event  
1453 that the school terminates operations. Any funds recovered by  
1454 the state shall be deposited in the General Revenue Fund. A  
1455 charter school is not eligible for a funding allocation if it  
1456 was created by the conversion of a public school and operates in  
1457 facilities provided by the charter school's sponsor for a  
1458 nominal fee or at no charge or if it is directly or indirectly  
1459 operated by the school district. Unless otherwise provided in  
1460 the General Appropriations Act, the funding allocation for each  
1461 eligible charter school shall be determined by multiplying the  
1462 school's projected student enrollment by one-fifteenth of the  
1463 cost-per-student station specified in s. 1013.64(6)(b) for an  
1464 elementary, middle, or high school, as appropriate. If the funds  
1465 appropriated are not sufficient, the commissioner shall prorate  
1466 the available funds among eligible charter schools. However, no  
1467 charter school or charter lab school shall receive state charter  
1468 school capital outlay funds in excess of the one-fifteenth cost  
1469 per student station formula if the charter school's combination

1470 of state charter school capital outlay funds, capital outlay  
 1471 funds calculated through the reduction in the administrative fee  
 1472 provided in s. 1002.33(20), and capital outlay funds allowed in  
 1473 s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per  
 1474 student station formula. Funds shall be distributed on the basis  
 1475 of the capital outlay full-time equivalent membership by grade  
 1476 level, which shall be calculated by averaging the results of the  
 1477 second and third enrollment surveys. The Department of Education  
 1478 shall distribute capital outlay funds monthly, beginning in the  
 1479 first quarter of the fiscal year, based on one-twelfth of the  
 1480 amount the department reasonably expects the charter school to  
 1481 receive during that fiscal year. The commissioner shall adjust  
 1482 subsequent distributions as necessary to reflect each charter  
 1483 school's actual student enrollment as reflected in the second  
 1484 and third enrollment surveys. The commissioner shall establish  
 1485 the intervals and procedures for determining the projected and  
 1486 actual student enrollment of eligible charter schools.

1487 (4)~~(2)~~ A charter school's governing body may use charter  
 1488 school capital outlay funds for the following purposes:

- 1489 (a) Purchase of real property.
- 1490 (b) Construction of school facilities.
- 1491 (c) Purchase, lease-purchase, or lease of permanent or  
 1492 relocatable school facilities.
- 1493 (d) Purchase of vehicles to transport students to and from  
 1494 the charter school.
- 1495 (e) Renovation, repair, and maintenance of school  
 1496 facilities that the charter school owns or is purchasing through  
 1497 a lease-purchase or long-term lease of 5 years or longer.

1498           (f) Other capital outlay purposes that are authorized  
 1499 capital outlay uses for school districts.

1500  
 1501 Conversion charter schools may use capital outlay funds received  
 1502 through the reduction in the administrative fee provided in s.  
 1503 1002.33(20) for renovation, repair, and maintenance of school  
 1504 facilities that are owned by the sponsor.

1505           (5)~~(3)~~ When a charter school is nonrenewed or terminated,  
 1506 any unencumbered funds and all equipment and property purchased  
 1507 with district public funds shall revert to the ownership of the  
 1508 district school board, as provided for in s. 1002.33(8)(e) and  
 1509 (f). In the case of a charter lab school, any unencumbered funds  
 1510 and all equipment and property purchased with university public  
 1511 funds shall revert to the ownership of the state university that  
 1512 issued the charter. The reversion of such equipment, property,  
 1513 and furnishings shall focus on recoverable assets, but not on  
 1514 intangible or irrecoverable costs such as rental or leasing  
 1515 fees, normal maintenance, and limited renovations. The reversion  
 1516 of all property secured with public funds is subject to the  
 1517 complete satisfaction of all lawful liens or encumbrances. If  
 1518 there are additional local issues such as the shared use of  
 1519 facilities or partial ownership of facilities or property, these  
 1520 issues shall be agreed to in the charter contract prior to the  
 1521 expenditure of funds.

1522           (6)~~(4)~~ The Commissioner of Education shall specify  
 1523 procedures for submitting and approving requests for funding  
 1524 under this section and procedures for documenting expenditures.

1525        (7)~~(5)~~ The annual legislative budget request of the  
 1526 Department of Education shall include a request for capital  
 1527 outlay funding for charter schools. The request shall be based  
 1528 on the projected number of students to be served in charter  
 1529 schools who meet the eligibility requirements of this section. A  
 1530 dedicated funding source, if identified in writing by the  
 1531 Commissioner of Education and submitted along with the annual  
 1532 charter school legislative budget request, may be considered an  
 1533 additional source of funding.

1534        (8)~~(6)~~ Unless authorized otherwise by the Legislature,  
 1535 allocation and proration of charter school capital outlay funds  
 1536 shall be made to eligible charter schools by the Commissioner of  
 1537 Education in an amount and in a manner authorized by subsections  
 1538 (2) and (3) ~~subsection (1)~~.

1539        ~~(7) Notwithstanding the provisions of this section,~~  
 1540 ~~beginning in the 2003-2004 fiscal year:~~

1541        ~~(a) If the appropriation for charter school capital outlay~~  
 1542 ~~funds is no greater than the 2002-2003 appropriation, the funds~~  
 1543 ~~shall be allocated according to the formula outlined in~~  
 1544 ~~subsection (1) to:~~

1545            ~~1. The same schools that received funding in 2002-2003.~~

1546            ~~2. Schools that are an expanded feeder pattern of schools~~  
 1547 ~~that received funding in 2002-2003.~~

1548            ~~3. Schools that have an approved charter and are serving~~  
 1549 ~~students at the start of the 2003-2004 school year and either~~  
 1550 ~~incurred long term financial obligations prior to January 31,~~  
 1551 ~~2003, or began construction on educational facilities prior to~~  
 1552 ~~December 31, 2002.~~



1553       ~~(b) If the appropriation for charter school capital outlay~~  
1554 ~~funds is less than the 2002-2003 appropriation, the funds shall~~  
1555 ~~be prorated among the schools eligible in paragraph (a).~~

1556       ~~(c) If the appropriation for charter school capital outlay~~  
1557 ~~funds is greater than the 2002-2003 appropriation, the amount of~~  
1558 ~~funds provided in the 2002-2003 appropriation shall be allocated~~  
1559 ~~according to paragraph (a). First priority for allocating the~~  
1560 ~~amount in excess of the 2002-2003 appropriation shall be to~~  
1561 ~~prorate the excess funds among the charter schools with long-~~  
1562 ~~term debt or long-term lease to the extent that the initial~~  
1563 ~~allocation is insufficient to provide one-fifteenth of the cost~~  
1564 ~~per student station specified in s. 1013.64(6)(b), and second~~  
1565 ~~priority shall be to other eligible charter schools.~~

1566       Section 6. This act shall take effect upon becoming a law.