

By the Committee on Education

581-1785-05

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 218.39, F.S.; requiring that a charter school
4 be notified of certain deteriorating financial
5 conditions; amending s. 218.50, F.S.; providing
6 a short title; amending s. 218.501, F.S.;
7 revising the statement of purpose; amending s.
8 218.503, F.S.; providing for charter schools to
9 be subject to provisions governing financial
10 emergencies; amending s. 1002.32, F.S.;
11 clarifying that charter laboratory schools are
12 included within provisions governing other
13 developmental research schools; deleting
14 obsolete provisions; amending s. 1002.33, F.S.;
15 requiring sponsors of charter schools to
16 implement specified policies and procedures by
17 the effective date of the act; providing
18 additional obligations of the sponsor; revising
19 requirements for the sponsor in monitoring a
20 charter school; requiring that the sponsor
21 conduct an annual review of the charter school;
22 requiring that the director and representative
23 of the school's governing board appear before
24 the sponsor under certain circumstances;
25 providing duties of the chief executive officer
26 of the sponsor; requiring that a charter school
27 review its achievement after its first full
28 year of operation and propose revisions to the
29 charter for consideration by the district
30 school board; requiring that the Department of
31 Education conduct an annual survey of the

1 governing boards of charter schools and report
2 the results to the State Board of Education;
3 revising application requirements; prohibiting
4 a sponsor from approving an application unless
5 it meets the requirements of the State Board of
6 Education; requiring that the district school
7 board notify the Department of Education of a
8 denial of a charter application; deleting
9 provisions providing for the review of certain
10 disputes by the Charter School Appeal
11 Commission; requiring that the department offer
12 or arrange for training and technical
13 assistance for applicants; decreasing the
14 period provided for an applicant and sponsor to
15 agree on the provisions of the charter;
16 providing requirements for mediation; providing
17 requirements for the application for a charter
18 school; revising provisions specifying issues
19 for inclusion in a charter; providing duties of
20 the governing board of a charter school with
21 respect to an annual financial audit and
22 monitoring compliance with a corrective-action
23 plan; specifying circumstances under which the
24 sponsor is required to not renew or to
25 terminate the charter; providing requirements
26 for the sponsor if the charter is terminated;
27 requiring applicants for a charter school to
28 register with the Department of Education;
29 requiring that the department maintain certain
30 information concerning charter schools;
31 requiring the department to develop an annual

1 financial report for use by charter schools,
2 along with guidelines; providing reporting and
3 monitoring requirements for the governing body
4 of a charter school; providing membership
5 requirements for the governing board of a
6 charter school; providing qualifications;
7 providing quorum requirements; prohibiting
8 conflicts of interest; providing for terms of
9 office; requiring a minimum of quarterly
10 meetings; authorizing the State Board of
11 Education to adopt rules and enforce the
12 provisions governing charter schools; requiring
13 that the department provide or arrange for the
14 provision of specified assistance to potential
15 applicants, sponsors, charter schools, and
16 school district personnel; deleting provisions
17 establishing the Charter School Review Panel;
18 requiring the department to develop
19 financial-management indicators for use by
20 sponsors; requiring the department to include
21 information concerning schools at risk in an
22 annual report; amending s. 1011.68, F.S.;
23 providing that an isolated student who attends
24 a charter school governed by a community
25 college generates school transportation funding
26 according to a specified formula; authorizing a
27 community college board of trustees to pay for
28 transportation of students in private passenger
29 cars under certain circumstances; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (5) of section 218.39, Florida
4 Statutes, is amended to read:

5 218.39 Annual financial audit reports.--

6 (5) At the conclusion of the audit, the auditor shall
7 discuss with the chair of each local governmental entity or
8 the chair's designee, or with the elected official of each
9 county agency or with the elected official's designee, or with
10 the chair of the district school board or the chair's
11 designee, or with the chair of the board of the charter school
12 or the chair's designee, or with the chair of the charter
13 technical career center or the chair's designee, as
14 appropriate, all of the auditor's comments that will be
15 included in the audit report. If the officer is not available
16 to discuss the auditor's comments, their discussion is
17 presumed when the comments are delivered in writing to his or
18 her office. The auditor shall notify each member of the
19 governing body of a local governmental entity, ~~or~~ district
20 school board, or charter school for which deteriorating
21 financial conditions exist that may cause a condition
22 described in s. 218.503(1) to occur if actions are not taken
23 to address such conditions.

24 Section 2. Section 218.50, Florida Statutes, is
25 amended to read:

26 218.50 Short title.--Sections 218.50-218.504 may be
27 cited as the "Local Governmental Entity, Charter School, and
28 District School Board Financial Emergencies Act."

29 Section 3. Section 218.501, Florida Statutes, is
30 amended to read:

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1 218.501 Purposes.--The purposes of ss. 218.50-218.504
2 are:

3 (1) To promote the fiscal responsibility of local
4 governmental entities, charter schools, and district school
5 boards.

6 (2) To assist local governmental entities, charter
7 schools, and district school boards in providing essential
8 services without interruption and in meeting their financial
9 obligations.

10 (3) To assist local governmental entities, charter
11 schools, and district school boards through the improvement of
12 local financial management procedures.

13 Section 4. Section 218.503, Florida Statutes, is
14 amended to read:

15 218.503 Determination of financial emergency.--

16 (1) Local governmental entities, charter schools, and
17 district school boards shall be subject to review and
18 oversight by the Governor, charter school sponsor, or the
19 Commissioner of Education, as appropriate, when any one of the
20 following conditions occurs:

21 (a) Failure within the same fiscal year in which due
22 to pay short-term loans or failure to make bond debt service
23 or other long-term debt payments when due, as a result of a
24 lack of funds.

25 (b) Failure to pay uncontested claims from creditors
26 within 90 days after the claim is presented, as a result of a
27 lack of funds.

28 (c) Failure to transfer at the appropriate time, due
29 to lack of funds:

- 30 1. Taxes withheld on the income of employees; or
31 2. Employer and employee contributions for:

1 a. Federal social security; or
2 b. Any pension, retirement, or benefit plan of an
3 employee.
4 (d) Failure for one pay period to pay, due to lack of
5 funds:
6 1. Wages and salaries owed to employees; or
7 2. Retirement benefits owed to former employees.
8 (e) An unreserved or total fund balance or retained
9 earnings deficit, or unrestricted or total net assets deficit,
10 as reported on the balance sheet or statement of net assets on
11 the general purpose or fund financial statements, for which
12 sufficient resources of the local governmental entity, as
13 reported on the balance sheet or statement of net assets on
14 the general purpose or fund financial statements, are not
15 available to cover the deficit. Resources available to cover
16 reported deficits include net assets that are not otherwise
17 restricted by federal, state, or local laws, bond covenants,
18 contractual agreements, or other legal constraints. Fixed or
19 capital assets, the disposal of which would impair the ability
20 of a local governmental entity to carry out its functions, are
21 not considered resources available to cover reported deficits.
22 (2) A local governmental entity shall notify the
23 Governor and the Legislative Auditing Committee, a charter
24 school shall notify the charter school sponsor and the
25 Legislative Auditing Committee, and a district school board
26 shall notify the Commissioner of Education and the Legislative
27 Auditing Committee, when one or more of the conditions
28 specified in subsection (1) have occurred or will occur if
29 action is not taken to assist the local governmental entity,
30 charter school, or district school board. In addition, any
31 state agency must, within 30 days after a determination that

1 | one or more of the conditions specified in subsection (1) have
2 | occurred or will occur if action is not taken to assist the
3 | local governmental entity, charter school, or district school
4 | board, notify the Governor, charter school sponsor, or the
5 | Commissioner of Education, as appropriate, and the Legislative
6 | Auditing Committee.

7 | (3) Upon notification that one or more of the
8 | conditions in subsection (1) exist, the Governor or his or her
9 | designee shall contact the local governmental entity or the
10 | Commissioner of Education or his or her designee shall contact
11 | the district school board to determine what actions have been
12 | taken by the local governmental entity or the district school
13 | board to resolve the condition. The Governor or the
14 | Commissioner of Education, as appropriate, shall determine
15 | whether the local governmental entity or the district school
16 | board needs state assistance to resolve the condition. If
17 | state assistance is needed, the local governmental entity or
18 | district school board is considered to be in a state of
19 | financial emergency. The Governor or the Commissioner of
20 | Education, as appropriate, has the authority to implement
21 | measures as set forth in ss. 218.50-218.504 to assist the
22 | local governmental entity or district school board in
23 | resolving the financial emergency. Such measures may include,
24 | but are not limited to:

25 | (a) Requiring approval of the local governmental
26 | entity's budget by the Governor or approval of the district
27 | school board's budget by the Commissioner of Education.

28 | (b) Authorizing a state loan to a local governmental
29 | entity and providing for repayment of same.

30 | (c) Prohibiting a local governmental entity or
31 | district school board from issuing bonds, notes, certificates

1 of indebtedness, or any other form of debt until such time as
2 it is no longer subject to this section.

3 (d) Making such inspections and reviews of records,
4 information, reports, and assets of the local governmental
5 entity or district school board. The appropriate local
6 officials shall cooperate in such inspections and reviews.

7 (e) Consulting with officials and auditors of the
8 local governmental entity or the district school board and the
9 appropriate state officials regarding any steps necessary to
10 bring the books of account, accounting systems, financial
11 procedures, and reports into compliance with state
12 requirements.

13 (f) Providing technical assistance to the local
14 governmental entity or the district school board.

15 (g)1. Establishing a financial emergency board to
16 oversee the activities of the local governmental entity or the
17 district school board. If a financial emergency board is
18 established for a local governmental entity, the Governor
19 shall appoint board members and select a chair. If a financial
20 emergency board is established for a district school board,
21 the State Board of Education shall appoint board members and
22 select a chair. The financial emergency board shall adopt such
23 rules as are necessary for conducting board business. The
24 board may:

25 a. Make such reviews of records, reports, and assets
26 of the local governmental entity or the district school board
27 as are needed.

28 b. Consult with officials and auditors of the local
29 governmental entity or the district school board and the
30 appropriate state officials regarding any steps necessary to
31 bring the books of account, accounting systems, financial

1 | procedures, and reports of the local governmental entity or
2 | the district school board into compliance with state
3 | requirements.

4 | c. Review the operations, management, efficiency,
5 | productivity, and financing of functions and operations of the
6 | local governmental entity or the district school board.

7 | 2. The recommendations and reports made by the
8 | financial emergency board must be submitted to the Governor
9 | for local governmental entities or to the Commissioner of
10 | Education and the State Board of Education for district school
11 | boards for appropriate action.

12 | (h) Requiring and approving a plan, to be prepared by
13 | officials of the local governmental entity or the district
14 | school board in consultation with the appropriate state
15 | officials, prescribing actions that will cause the local
16 | governmental entity or district school board to no longer be
17 | subject to this section. The plan must include, but need not
18 | be limited to:

19 | 1. Provision for payment in full of obligations
20 | outlined in subsection (1), designated as priority items, that
21 | are currently due or will come due.

22 | 2. Establishment of priority budgeting or zero-based
23 | budgeting in order to eliminate items that are not affordable.

24 | 3. The prohibition of a level of operations which can
25 | be sustained only with nonrecurring revenues.

26 | (4) Upon notification that one or more of the
27 | conditions in subsection (1) exist, the charter school sponsor
28 | or the sponsor's designee shall contact the charter school
29 | governing board to determine what actions have been taken by
30 | the charter school governing board to resolve the condition.
31 | The charter school sponsor has the authority to require and

1 approve a financial-recovery plan, to be prepared by the
2 charter school governing board, prescribing actions that will
3 cause the charter school to no longer be subject to this
4 section. The Department of Education must establish guidelines
5 for developing such plans.

6 ~~(5)(4)~~ A local governmental entity or district school
7 board may not seek application of laws under the bankruptcy
8 provisions of the United States Constitution except with the
9 prior approval of the Governor for local governmental entities
10 or the Commissioner of Education for district school boards.

11 ~~(6)(5)(a)~~ The governing authority of any municipality
12 having a resident population of 300,000 or more on or after
13 April 1, 1999, which has been declared in a state of financial
14 emergency pursuant to this section may impose a discretionary
15 per-vehicle surcharge of up to 20 percent on the gross
16 revenues of the sale, lease, or rental of space at parking
17 facilities within the municipality which are open for use to
18 the general public.

19 (b) A municipal governing authority that imposes the
20 surcharge authorized by this subsection may use the proceeds
21 of such surcharge for the following purposes only:

22 1. No less than 60 percent and no more than 80 percent
23 of the surcharge proceeds shall be used by the governing
24 authority to reduce its ad valorem tax millage rate or to
25 reduce or eliminate non-ad valorem assessments.

26 2. A portion of the balance of the surcharge proceeds
27 shall be used by the governing authority to increase its
28 budget reserves; however, the governing authority shall not
29 reduce the amount it allocates for budget reserves from other
30 sources below the amount allocated for reserves in the fiscal
31 year prior to the year in which the surcharge is initially

1 imposed. When a 15-percent budget reserve is achieved, based
2 on the average gross revenue for the most recent 3 prior
3 fiscal years, the remaining proceeds from this subparagraph
4 shall be used for the payment of annual debt service related
5 to outstanding obligations backed or secured by a covenant to
6 budget and appropriate from non-ad valorem revenues.

7 (c) This subsection expires June 30, 2006.

8 Section 5. Paragraph (c) of subsection (9) of section
9 1002.32, Florida Statutes, is amended to read:

10 1002.32 Developmental research (laboratory) schools.--

11 (9) FUNDING.--Funding for a lab school, including a
12 charter lab school, shall be provided as follows:

13 (c) All operating funds provided under this section
14 shall be deposited in a Lab School Trust Fund and shall be
15 expended for the purposes of this section. The university
16 assigned a lab school or charter lab school shall be the
17 fiscal agent for these funds, and all rules of the university
18 governing the budgeting and expenditure of state funds shall
19 apply to these funds unless otherwise provided by law or rule
20 of the State Board of Education. The university board of
21 trustees shall be the public employer of lab school personnel
22 for collective bargaining purposes for lab schools ~~in~~
23 ~~operation prior to the 2002-2003 fiscal year~~. Employees of
24 charter lab schools ~~authorized prior to June 1, 2003, but not~~
25 ~~in operation prior to the 2002-2003 fiscal year~~ shall be
26 employees of the entity holding the charter and must comply
27 with the provisions of s. 1002.33(12). Lab schools are not
28 subject to the payment of overhead or indirect costs as
29 described in s. 216.346.

30 Section 6. Section 1002.33, Florida Statutes, is
31 amended to read:

1 1002.33 Charter schools.--

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

9 (2) GUIDING PRINCIPLES; PURPOSE.--

10 (a) Charter schools in Florida shall be guided by the
11 following principles:

12 1. Meet high standards of student achievement while
13 providing parents flexibility to choose among diverse
14 educational opportunities within the state's public school
15 system.

16 2. Promote enhanced academic success and financial
17 efficiency by aligning responsibility with accountability.

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

22 (b) Charter schools shall fulfill the following
23 purposes:

24 1. Improve student learning and academic achievement.

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

27 3. Create new professional opportunities for teachers,
28 including ownership of the learning program at the school
29 site.

30 4. Encourage the use of innovative learning methods.

31 5. Require the measurement of learning outcomes.

1 (c) Charter schools may fulfill the following
2 purposes:

- 3 1. Create innovative measurement tools.
- 4 2. Provide rigorous competition within the public
5 school district to stimulate continual improvement in all
6 public schools.
- 7 3. Expand the capacity of the public school system.
- 8 4. Mitigate the educational impact created by the
9 development of new residential dwelling units.

10 (3) APPLICATION FOR CHARTER STATUS.--

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

15 (b) An application for a conversion charter school
16 shall be made by the district school board, the principal,
17 teachers, parents, and/or the school advisory council at an
18 existing public school that has been in operation for at least
19 2 years prior to the application to convert, including a
20 public school-within-a-school that is designated as a school
21 by the district school board. An application submitted
22 proposing to convert an existing public school to a charter
23 school shall demonstrate the support of at least 50 percent of
24 the teachers employed at the school and 50 percent of the
25 parents voting whose children are enrolled at the school,
26 provided that a majority of the parents eligible to vote
27 participate in the ballot process, according to rules adopted
28 by the State Board of Education. A district school board
29 denying an application for a conversion charter school shall
30 provide notice of denial to the applicants in writing within
31 30 days after the meeting at which the district school board

1 | denied the application. The notice must specify the exact
2 | reasons for denial and must provide documentation supporting
3 | those reasons. A private school, parochial school, or home
4 | education program shall not be eligible for charter school
5 | status.

6 | (4) UNLAWFUL REPRISAL.--

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

30 | 1. Within 60 days after the date upon which a reprisal
31 | prohibited by this subsection is alleged to have occurred, an

1 employee may file a complaint with the Department of
2 Education.

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

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

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

23 5. If the Department of Education determines that
24 reasonable grounds exist to believe that an unlawful reprisal
25 has occurred, is occurring, or is to be taken, and is unable
26 to conciliate a complaint within 60 days after receipt of the
27 fact-finding report, the Department of Education shall
28 terminate the investigation. Upon termination of any
29 investigation, the Department of Education shall notify the
30 complainant and the district school superintendent of the
31 termination of the investigation, providing a summary of

1 relevant facts found during the investigation and the reasons
2 for terminating the investigation. A written statement under
3 this paragraph is presumed admissible as evidence in any
4 judicial or administrative proceeding.

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

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

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

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

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

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

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

8 5. Issuance of an injunction, if appropriate, by a
9 court of competent jurisdiction.

10 6. Temporary reinstatement to the employee's former
11 position or to an equivalent position, pending the final
12 outcome of the complaint, if it is determined that the action
13 was not made in bad faith or for a wrongful purpose, and did
14 not occur after a district school board's initiation of a
15 personnel action against the employee that includes
16 documentation of the employee's violation of a disciplinary
17 standard or performance deficiency.

18 (5) SPONSOR; DUTIES.--

19 (a) Sponsoring entities.--

20 1. A district school board may sponsor a charter
21 school in the county over which the district school board has
22 jurisdiction.

23 2. A state university may grant a charter to a lab
24 school created under s. 1002.32 and shall be considered to be
25 the school's sponsor. Such school shall be considered a
26 charter lab school.

27 3. Each sponsor, at a minimum, must have the following
28 quality policies and procedures for charter school sponsorship
29 in place by July 1, 2005:

1 a. An organizational structure and committed human and
2 financial resources necessary for conducting its sponsorship
3 duties efficiently;

4 b. A comprehensive application process that follows
5 fair procedures and rigorous criteria and grants a charter
6 only to those developers who demonstrate a strong capacity for
7 establishing and operating a quality charter school;

8 c. A process in place to negotiate contracts with
9 charter schools which clearly articulates the rights and
10 responsibilities of each party regarding school autonomy,
11 expected outcomes, measures for evaluating success or failure,
12 performance consequences, and other material terms;

13 d. A process for efficient and effective contract
14 oversight which evaluates performance, monitors compliance,
15 informs intervention and renewal decisions, and ensures that
16 autonomy is provided under applicable law; and

17 e. A transparent and rigorous process that uses
18 comprehensive data to make merit-based decisions.

19 (b) Sponsor duties.--

20 1. It is the obligation of the sponsor to participate
21 in the application and review and approval process of a
22 charter contract with good faith effort, fairness, due
23 diligence, and quality in order to further the establishment
24 and future operations of quality charter schools. Quality
25 charter schools provide parents with another option for public
26 school choice which best meets the needs of their child; thus
27 there is the likelihood of increased student achievement. The
28 sponsor shall monitor and review the charter school in its
29 progress toward meeting the terms of its application and
30 charter as defined in subsection (6) ~~the goals established in~~
31 ~~the charter.~~

1 2. Beginning with the 2005-2006 school year, at a
2 minimum, the sponsor shall conduct an annual review by July 1
3 of each year to ascertain whether the terms of the contract
4 are being met. The sponsor shall notify in writing, by July
5 15, the charter school board of trustees and the director of
6 the results of the review for each contract component. The
7 sponsor shall specifically notify the board and the director
8 of any potential issues that may jeopardize the future renewal
9 of the charter, specifically identify contract issues, and
10 recommend strategies for corrective action by the school to
11 resolve the issues. The sponsor shall also certify to the
12 State Board of Education annually whether the charter school
13 is meeting the performance expectations established in its
14 charter.

15 3. The director and a representative of the governing
16 board of a charter school graded "D" or "F" shall appear
17 before the sponsor at a formal school board meeting or state
18 university trustee board meeting at least twice a year to
19 present information concerning each contract component having
20 noted deficiencies and to address corrective strategies that
21 are being implemented by the school. The sponsor shall
22 communicate at the meeting, and in writing to the director,
23 the services provided to the school to help the school address
24 its deficiencies.

25 4. The chief executive officer of the sponsoring
26 entity must certify in writing to its governing board that a
27 quality, fair, and judicious review of the application and
28 charter was conducted. The sponsoring entity must consider the
29 certification of a quality review in its proceedings to
30 approve, amend, or deny an application or charter. The chief
31 executive officer must include the following components in the

1 certification demonstrating that a quality, fair, and
2 judicious review was completed regarding:

3 a. A 5-year financial plan that contains anticipated
4 fund balances based on revenue projections and sources, a
5 spending plan based on projected revenues and expenses, and a
6 description of controls that will safeguard finances and
7 projected enrollment trends. The plan must be an accurate and
8 detailed description of the school's proposed budget and
9 fiscal plan.

10 b. A detailed curriculum plan that illustrates how
11 students will be provided services to attain the Sunshine
12 State Standards. The plan must include the focus of the
13 curriculum, the instructional methods to be used, any
14 distinctive instructional techniques to be employed, and an
15 identification and acquisition of appropriate technologies
16 needed to improve educational and administrative performance,
17 including a means for promoting safe, ethical, and appropriate
18 uses of technology which comply with legal and professional
19 standards. The curriculum and instructional strategies for
20 reading must be consistent with the Sunshine State Standards
21 and grounded in scientifically based reading research.

22 c. The inclusion of goals and objectives for improving
23 student learning and measuring that improvement. These goals
24 and objectives must indicate the degree of academic
25 improvement students are expected to show each year, how
26 success will be evaluated, and the specific results to be
27 attained through instruction.

28 d. A plan to ensure that reading is a primary focus of
29 the curriculum and that resources are provided to identify and
30 provide specialized instruction for students who are reading
31 below grade level. The plan must describe the reading

1 curriculum and differentiated strategies that will be used for
2 students reading at grade level or higher and a separate
3 curriculum and strategies for students who are reading below
4 grade level. A sponsor shall deny a charter if the school does
5 not propose a reading curriculum that is consistent with
6 effective teaching strategies that are grounded in
7 scientifically based reading research.

8 e. The methods used to identify the educational
9 strengths and needs of students and how well educational goals
10 and performance standards are met by students attending the
11 charter school. The methods must include a means by which the
12 charter school can ensure accountability to its constituents
13 by analyzing student performance data and by evaluating the
14 effectiveness and efficiency of its major educational
15 programs. Students in charter schools shall, at a minimum,
16 participate in the statewide assessment program created under
17 s. 1008.22.

18 5. After a newly opened charter school completes a
19 full school year of operation, it must review the projected
20 outcomes of achievement in its charter and propose revisions
21 if the student population is significantly different than
22 anticipated in its original charter. The district school board
23 must consider the school's proposal to revise the charter.

24 ~~6.2.~~ The sponsor shall monitor at least on a quarterly
25 basis the revenues and expenditures of the charter school.

26 ~~7.3.~~ The sponsor may approve a charter for a charter
27 school before the applicant has secured space, equipment, or
28 personnel, if the applicant indicates approval is necessary
29 for it to raise working capital.

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1 ~~8.4.~~ The sponsor's policies shall not apply to a
2 charter school other than those policies promulgated
3 specifically for charter schools.

4 ~~9.5.~~ The sponsor shall ensure that the charter is
5 innovative and consistent with the state education goals
6 established by s. 1008.31(3)(c) ~~s. 1000.03(5)~~.

7 ~~10.6.~~ The sponsor shall ensure that the charter school
8 participates in the state's education accountability system.
9 If a charter school falls short of performance measures
10 included in the approved charter, the sponsor shall report
11 such shortcomings to the Department of Education.

12 11. The sponsor of a charter school shall provide
13 assistance in scheduling fire code inspections upon the
14 request of the charter school.

15
16 A community college may work with the school district or
17 school districts in its designated service area to develop
18 charter schools that offer secondary education. These charter
19 schools must include an option for students to receive an
20 associate degree upon high school graduation. District school
21 boards shall cooperate with and assist the community college
22 on the charter application. Community college applications for
23 charter schools are not subject to the time deadlines outlined
24 in subsection (6) and may be approved by the district school
25 board at any time during the year. Community colleges shall
26 not report FTE for any students who receive FTE funding
27 through the Florida Education Finance Program.

28 (c) Annual survey.--The Department of Education shall
29 conduct an annual survey of charter school governing boards to
30 determine the boards' satisfaction with the services received
31 from their sponsors and the Department of Education. The

1 survey results shall be reported to the State Board of
2 Education, which may recommend action for sponsors having an
3 inordinate number of complaints or sponsors that have been
4 determined not to have fulfilled their responsibilities as
5 described in this section.

6 (6) APPLICATION PROCESS AND REVIEW.--~~Beginning~~
7 ~~September 1, 2003, applications are subject to the following~~
8 ~~requirements:~~

9 (a) ~~A person or entity wishing to open a charter~~
10 ~~school shall prepare an application that:~~

11 1. ~~Demonstrates how the school will use the guiding~~
12 ~~principles and meet the statutorily defined purpose of a~~
13 ~~charter school.~~

14 2. ~~Provides a detailed curriculum plan that~~
15 ~~illustrates how students will be provided services to attain~~
16 ~~the Sunshine State Standards.~~

17 3. ~~Contains goals and objectives for improving student~~
18 ~~learning and measuring that improvement. These goals and~~
19 ~~objectives must indicate how much academic improvement~~
20 ~~students are expected to show each year, how success will be~~
21 ~~evaluated, and the specific results to be attained through~~
22 ~~instruction.~~

23 4. ~~Describes the reading curriculum and differentiated~~
24 ~~strategies that will be used for students reading at grade~~
25 ~~level or higher and a separate curriculum and strategies for~~
26 ~~students who are reading below grade level. A sponsor shall~~
27 ~~deny a charter if the school does not propose a reading~~
28 ~~curriculum that is consistent with effective teaching~~
29 ~~strategies that are grounded in scientifically based reading~~
30 ~~research.~~

31

1 ~~5. Contains an annual financial plan for each year~~
2 ~~requested by the charter for operation of the school for up to~~
3 ~~5 years. This plan must contain anticipated fund balances~~
4 ~~based on revenue projections, a spending plan based on~~
5 ~~projected revenues and expenses, and a description of controls~~
6 ~~that will safeguard finances and projected enrollment trends.~~

7 ~~(a)(b)~~ A district school board shall receive and
8 review all applications for a charter school. A district
9 school board shall receive and consider charter school
10 applications received on or before September 1 of each
11 calendar year for charter schools to be opened at the
12 beginning of the school district's next school year, or to be
13 opened at a time agreed to by the applicant and the district
14 school board. A district school board may receive applications
15 later than this date if it chooses. A sponsor may not charge
16 an applicant for a charter any fee for the processing or
17 consideration of an application, and a sponsor may not base
18 its consideration or approval of an application upon the
19 promise of future payment of any kind. A sponsor may not
20 approve an application unless the application meets the
21 specifications and criteria established by rule of the State
22 Board of Education. Such rule shall require that the
23 application include a section that reflects an understanding
24 between the charter school and the sponsor concerning the
25 facility codes and requirements chosen by the charter school
26 for compliance pursuant to paragraph (18)(a) and concerning
27 the regulatory fire code references. A copy of this section of
28 the approved application shall be provided to the local fire
29 marshal, who shall acknowledge receipt at the time of each
30 scheduled fire inspection of the charter school. Pursuant to
31 s. 633.025(6), a decision of the local fire official may be

1 appealed to the local administrative board described in s.
2 553.73.

3 1. In order to facilitate an accurate budget
4 projection process, a district school board shall be held
5 harmless for FTE students who are not included in the FTE
6 projection due to approval of charter school applications
7 after the FTE projection deadline. In a further effort to
8 facilitate an accurate budget projection, within 15 calendar
9 days after receipt of a charter school application, a district
10 school board or other sponsor shall report to the Department
11 of Education the name of the applicant entity, the proposed
12 charter school location, and its projected FTE.

13 ~~2. In order to ensure fiscal responsibility, an~~
14 ~~application for a charter school shall include a full~~
15 ~~accounting of expected assets, a projection of expected~~
16 ~~sources and amounts of income, including income derived from~~
17 ~~projected student enrollments and from community support, and~~
18 ~~an expense projection that includes full accounting of the~~
19 ~~costs of operation, including start up costs.~~

20 ~~2.3.~~ A district school board shall by a majority vote
21 approve or deny an application no later than 60 calendar days
22 after the application is received, unless the district school
23 board and the applicant mutually agree to temporarily postpone
24 the vote to a specific date, at which time the district school
25 board shall by a majority vote approve or deny the
26 application. If the district school board fails to act on the
27 application, an applicant may appeal to the State Board of
28 Education as provided in paragraph (c). If an application is
29 denied, the district school board shall, within 10 calendar
30 days, articulate in writing the specific reasons based upon
31 good cause supporting its denial of the charter application

1 and shall by letter notify the applicant as well as the
2 Department of Education of the specific reasons.

3 ~~3.4.~~ For budget projection purposes, the district
4 school board or other sponsor shall report to the Department
5 of Education the approval or denial of a charter application
6 within 10 calendar days after such approval or denial. In the
7 event of approval, the report to the Department of Education
8 shall include the final projected FTE for the approved charter
9 school.

10 ~~4.5.~~ Upon approval of a charter application, the
11 initial startup shall commence with the beginning of the
12 public school calendar for the district in which the charter
13 is granted unless the district school board allows a waiver of
14 this provision for good cause.

15 ~~(b)(c)~~ An applicant may appeal any denial of that
16 applicant's application or failure to act on an application to
17 the State Board of Education no later than 30 calendar days
18 after receipt of the district school board's decision or
19 failure to act and shall notify the district school board of
20 its appeal. Any response of the district school board shall be
21 submitted to the State Board of Education within 30 calendar
22 days after notification of the appeal. Upon receipt of
23 notification from the State Board of Education that a charter
24 school applicant is filing an appeal, the Commissioner of
25 Education shall convene a meeting of the Charter School Appeal
26 Commission to study and make recommendations to the State
27 Board of Education regarding its pending decision about the
28 appeal. The commission shall forward its recommendation to the
29 state board no later than 7 calendar days prior to the date on
30 which the appeal is to be heard. The State Board of Education
31 shall by majority vote accept or reject the decision of the

1 | district school board no later than 90 calendar days after an
2 | appeal is filed in accordance with State Board of Education
3 | rule. The Charter School Appeal Commission may reject an
4 | appeal submission for failure to comply with procedural rules
5 | governing the appeals process. The rejection shall describe
6 | the submission errors. The appellant may have up to 15
7 | calendar days from notice of rejection to resubmit an appeal
8 | that meets requirements of State Board of Education rule. An
9 | application for appeal submitted subsequent to such rejection
10 | shall be considered timely if the original appeal was filed
11 | within 30 calendar days after receipt of notice of the
12 | specific reasons for the district school board's denial of the
13 | charter application. The State Board of Education shall remand
14 | the application to the district school board with its written
15 | decision that the district school board approve or deny the
16 | application. The district school board shall implement the
17 | decision of the State Board of Education. The decision of the
18 | State Board of Education is not subject to the provisions of
19 | the Administrative Procedure Act, chapter 120.

20 | ~~(c)(d)~~ The district school board shall act upon the
21 | decision of the State Board of Education within 30 calendar
22 | days after it is received. The State Board of Education's
23 | decision is a final action subject to judicial review in the
24 | district court of appeal.

25 | ~~(d)(e)~~1. A Charter School Appeal Commission is
26 | established to assist the commissioner and the State Board of
27 | Education with a fair and impartial review of appeals by
28 | applicants whose charter applications have been denied or
29 | whose charter contracts have not been renewed or have been
30 | terminated by their sponsors, ~~or whose disputes over contract~~
31 | ~~negotiations have not been resolved through mediation.~~

1 2. The Charter School Appeal Commission may receive
2 copies of the appeal documents forwarded to the State Board of
3 Education, review the documents, gather other applicable
4 information regarding the appeal, and make a written
5 recommendation to the commissioner. The recommendation must
6 state whether the appeal should be upheld or denied and
7 include the reasons for the recommendation being offered. The
8 commissioner shall forward the recommendation to the State
9 Board of Education no later than 7 calendar days prior to the
10 date on which the appeal is to be heard. The state board must
11 consider the commission's recommendation in making its
12 decision, but is not bound by the recommendation. The decision
13 of the Charter School Appeal Commission is not subject to the
14 provisions of the Administrative Procedure Act, chapter 120.

15 3. The commissioner shall appoint the members of the
16 Charter School Appeal Commission. Members shall serve without
17 compensation but may be reimbursed for travel and per diem
18 expenses in conjunction with their service. One-half of the
19 members must represent currently operating charter schools,
20 and one-half of the members must represent school districts.
21 The commissioner or a named designee shall chair the Charter
22 School Appeal Commission.

23 4. The chair shall convene meetings of the commission
24 and shall ensure that the written recommendations are
25 completed and forwarded in a timely manner. In cases where the
26 commission cannot reach a decision, the chair shall make the
27 written recommendation with justification, noting that the
28 decision was rendered by the chair.

29 5. Commission members shall thoroughly review the
30 materials presented to them from the appellant and the
31 sponsor. The commission may request information to clarify the

1 | documentation presented to it. In the course of its review,
2 | the commission may facilitate the postponement of an appeal in
3 | those cases where additional time and communication may negate
4 | the need for a formal appeal and both parties agree, in
5 | writing, to postpone the appeal to the State Board of
6 | Education. A new date certain for the appeal shall then be set
7 | based upon the rules and procedures of the State Board of
8 | Education. Commission members shall provide a written
9 | recommendation to the state board as to whether the appeal
10 | should be upheld or denied. A fact-based justification for the
11 | recommendation must be included. The chair must ensure that
12 | the written recommendation is submitted to the State Board of
13 | Education members no later than 7 calendar days prior to the
14 | date on which the appeal is to be heard. Both parties in the
15 | case shall also be provided a copy of the recommendation.

16 | ~~(e)(f)~~ The Department of Education must offer or
17 | arrange for training and technical assistance to charter
18 | school applicants in developing business plans and estimating
19 | costs and income. This assistance must address estimating
20 | start-up costs, projecting enrollment, and identifying the
21 | types and amounts of state and federal financial assistance
22 | the charter school will be eligible to receive. The Department
23 | of Education may provide other technical assistance to an
24 | applicant upon written request.

25 | ~~(f)(g)~~ In considering charter applications for a lab
26 | school, a state university shall consult with the district
27 | school board of the county in which the lab school is located.
28 | The decision of a state university may be appealed pursuant to
29 | the procedure established in this subsection.

30 | ~~(g)(h)~~ The terms and conditions for the operation of a
31 | charter school shall be set forth by the sponsor and the

1 applicant in a written contractual agreement, called a
2 charter. The sponsor shall not impose unreasonable rules or
3 regulations that violate the intent of giving charter schools
4 greater flexibility to meet educational goals. The applicant
5 and sponsor shall have 90 days ~~6 months~~ in which to mutually
6 agree to the provisions of the charter. The Department of
7 Education shall provide mediation services for any dispute
8 regarding this section subsequent to the approval of a charter
9 application and for any dispute relating to the approved
10 charter, except disputes regarding charter school application
11 denials. The department shall notify the parties that a
12 request for mediation has been received within 10 working
13 days, schedule and commence mediation within 60 days following
14 the date the request is submitted to the department, and
15 establish whether mediation has been successful within 60 days
16 following conclusion of the mediation. If the Commissioner of
17 Education determines that the dispute cannot be settled
18 through mediation, the dispute may be appealed to an
19 administrative law judge appointed by the Division of
20 Administrative Hearings. The administrative law judge may rule
21 on issues of equitable treatment of the charter school as a
22 public school, whether proposed provisions of the charter
23 violate the intended flexibility granted charter schools by
24 statute, or on any other matter regarding this section except
25 a charter school application denial, and shall award the
26 prevailing party reasonable attorney's fees and costs incurred
27 to be paid by the losing party. The costs of the
28 administrative hearing shall be paid by the party whom the
29 administrative law judge rules against.

30 (7) CHARTER.--The major issues involving the operation
31 of a charter school shall be considered in advance and

1 included in the application for a charter school as required
2 by this section and written into the charter. The charter
3 shall be signed by the governing body of the charter school
4 and the sponsor, following a public hearing to ensure
5 community input.

6 (a) In addition to the requirements of subparagraph
7 (5)(b)4., the charter shall address, and criteria for approval
8 of the charter must include ~~shall be based on:~~

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

11 ~~2. The focus of the curriculum, the instructional~~
12 ~~methods to be used, any distinctive instructional techniques~~
13 ~~to be employed, and identification and acquisition of~~
14 ~~appropriate technologies needed to improve educational and~~
15 ~~administrative performance which include a means for promoting~~
16 ~~safe, ethical, and appropriate uses of technology which comply~~
17 ~~with legal and professional standards. The charter shall~~
18 ~~ensure that reading is a primary focus of the curriculum and~~
19 ~~that resources are provided to identify and provide~~
20 ~~specialized instruction for students who are reading below~~
21 ~~grade level. The curriculum and instructional strategies for~~
22 ~~reading must be consistent with the Sunshine State Standards~~
23 ~~and grounded in scientifically based reading research.~~

24 ~~1.3.~~ The current incoming baseline standard of student
25 academic achievement, the outcomes to be achieved, and the
26 method of measurement that will be used. ~~The criteria listed~~
27 ~~in this subparagraph shall include a detailed description for~~
28 ~~each of the following:~~

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

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

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

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

13 ~~4. The methods used to identify the educational~~
14 ~~strengths and needs of students and how well educational goals~~
15 ~~and performance standards are met by students attending the~~
16 ~~charter school. Included in the methods is a means for the~~
17 ~~charter school to ensure accountability to its constituents by~~
18 ~~analyzing student performance data and by evaluating the~~
19 ~~effectiveness and efficiency of its major educational~~
20 ~~programs. Students in charter schools shall, at a minimum,~~
21 ~~participate in the statewide assessment program created under~~
22 ~~s. 1008.22.~~

23 ~~2.5.~~ In secondary charter schools, a method for
24 determining that a student has satisfied the requirements for
25 graduation in s. 1003.43.

26 ~~6. A method for resolving conflicts between the~~
27 ~~governing body of the charter school and the sponsor.~~

28 ~~7. The admissions procedures and dismissal procedures,~~
29 ~~including the school's code of student conduct.~~

30 ~~8. The ways by which the school will achieve a~~
31 ~~racial/ethnic balance reflective of the community it serves or~~

1 ~~within the racial/ethnic range of other public schools in the~~
2 ~~same school district.~~

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

15 3.10. The asset and liability projections required in
16 the application which are incorporated into the charter and
17 which shall be compared with information provided in the
18 annual report of the charter school. The charter shall ensure
19 that, if a charter school internal audit reveals a deficit
20 financial position, the auditors are required to notify the
21 charter school governing board, the sponsor, and the
22 Department of Education. The internal auditor shall report
23 such findings in the form of an exit interview to the
24 principal or the principal administrator of the charter school
25 and the chair of the governing board within 7 working days
26 after finding the deficit position. A final report shall be
27 provided to the entire governing board, the sponsor, and the
28 Department of Education within 14 working days after the exit
29 interview.

30 4.11. A description of procedures that identify
31 various risks and provide for a comprehensive approach to

1 reduce the impact of losses; plans to ensure the safety and
2 security of students and staff; plans to identify, minimize,
3 and protect others from violent or disruptive student
4 behavior; and the manner in which the school will be insured,
5 including whether or not the school will be required to have
6 liability insurance, and, if so, the terms and conditions
7 thereof and the amounts of coverage.

8 5.12- The term of the charter which shall provide for
9 cancellation of the charter if insufficient progress has been
10 made in attaining the student achievement objectives of the
11 charter and if it is not likely that such objectives can be
12 achieved before expiration of the charter. The initial term of
13 a charter shall be for 3, 4, or 5 years. In order to
14 facilitate access to long-term financial resources for charter
15 school construction, charter schools that are operated by a
16 municipality or other public entity as provided by law are
17 eligible for up to a 15-year charter, subject to approval by
18 the district school board. A charter lab school is eligible
19 for a charter for a term of up to 15 years. In addition, to
20 facilitate access to long-term financial resources for charter
21 school construction, charter schools that are operated by a
22 private, not-for-profit, s. 501(c)(3) status corporation are
23 eligible for up to a 10-year charter, subject to approval by
24 the district school board. Such long-term charters remain
25 subject to annual review and may be terminated during the term
26 of the charter, but only for specific good cause according to
27 the provisions set forth in subsection (8).

28 6.13- The facilities to be used and their location.

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

1 7.15. The governance structure of the school,
2 including the status of the charter school as a public or
3 private employer as required in paragraph (12)(i).

4 ~~16. A timetable for implementing the charter which~~
5 ~~addresses the implementation of each element thereof and the~~
6 ~~date by which the charter shall be awarded in order to meet~~
7 ~~this timetable.~~

8 8.17. In the case of an existing public school being
9 converted to charter status, alternative arrangements for
10 current students who choose not to attend the charter school
11 and for current teachers who choose not to teach in the
12 charter school after conversion in accordance with the
13 existing collective bargaining agreement or district school
14 board rule in the absence of a collective bargaining
15 agreement. However, alternative arrangements shall not be
16 required for current teachers who choose not to teach in a
17 charter lab school, except as authorized by the employment
18 policies of the state university which grants the charter to
19 the lab school.

20 (b) A charter may be renewed every 5 school years,
21 provided that a program review demonstrates that ~~the criteria~~
22 ~~in paragraph (a) have been successfully accomplished and that~~
23 none of the grounds for nonrenewal established by paragraph
24 (8)(a) has been documented. In order to facilitate long-term
25 financing for charter school construction, charter schools
26 operating for a minimum of 2 years and demonstrating exemplary
27 academic programming and fiscal management are eligible for a
28 15-year charter renewal. Such long-term charter is subject to
29 annual review and may be terminated during the term of the
30 charter.

31

1 (c) A charter may be modified during its initial term
2 or any renewal term upon the recommendation of the sponsor or
3 the charter school governing board and the approval of both
4 parties to the agreement.

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

6 (a) At the end of the term of a charter, the sponsor
7 shall ~~may~~ choose not to renew or to terminate the charter for
8 any of the following grounds:

9 1. Failure to participate in the state's education
10 accountability system created in s. 1008.31, as required in
11 this section, ~~or~~ failure to meet the requirements for student
12 performance stated in the charter, or failure to meet the
13 performance standards as authorized by s. 1008.32 and
14 specified by rule of the State Board of Education.

15 2. Failure to comply with statutorily directed state
16 reporting requirements, including the requirements identified
17 in paragraph (9)(m) which pertain to components of the annual
18 charter school accountability report.

19 3. Failure of the governing body of a charter school
20 to submit its annual performance accountability report to its
21 sponsors as prescribed in paragraph (9)(m).

22 4. Failure of the director of a charter school having
23 a school performance grade of a "D" or "F" to appear before
24 the sponsoring body as required in subsection (5).

25 ~~5.2.~~ Failure to meet generally accepted standards of
26 fiscal management.

27 ~~6.3.~~ Violation of law.

28 ~~7.4.~~ Other good cause shown.

29 (b) During the term of a charter, the sponsor may
30 terminate the charter for any of the grounds listed in
31 paragraph (a).

1 (c) At the end of the term of a charter or during the
2 term of a charter, the sponsor may not renew or shall
3 terminate the charter when the charter school receives a
4 school performance grade of "F" under s. 1008.34 for 2
5 consecutive years, unless the school has made adequate yearly
6 progress under the federal No Child Left Behind Act in at
7 least 1 of those 2 years.

8 (d) At the end of the term of a charter, the sponsor
9 may not renew the charter if the school fails to meet the
10 requirements for student performance set forth in rules of the
11 State Board of Education.

12 (e)(e) At least 90 days prior to renewing or
13 terminating a charter, the sponsor shall notify the governing
14 body of the school of the proposed action in writing. The
15 notice shall state in reasonable detail the grounds for the
16 proposed action and stipulate that the school's governing body
17 may, within 14 calendar days after receiving the notice,
18 request an informal hearing before the sponsor. The sponsor
19 shall conduct the informal hearing within 30 calendar days
20 after receiving a written request. The charter school's
21 governing body may, within 14 calendar days after receiving
22 the sponsor's decision to terminate or refuse to renew the
23 charter, appeal the decision pursuant to the procedure
24 established in subsection (6).

25 (f)(d) A charter may be terminated immediately if the
26 sponsor determines that good cause has been shown or if the
27 health, safety, or welfare of the students is threatened. The
28 charter sponsor must notify in writing the charter school's
29 governing body, the school principal, and the Department of
30 Education if a charter is immediately terminated. The sponsor
31 shall clearly identify the issues that resulted in the

1 immediate termination and provide evidence of prior
2 notification of issues resulting in the immediate termination
3 when appropriate. The school district in which the charter
4 school is located shall assume operation of the school under
5 these circumstances. The charter school's governing board may,
6 within 14 days after receiving the sponsor's decision to
7 terminate the charter, appeal the decision pursuant to the
8 procedure established in subsection (6).

9 ~~(g)(e)~~ When a charter is not renewed or is terminated,
10 the school shall be dissolved under the provisions of law
11 under which the school was organized, and any unencumbered
12 public funds, except for capital outlay funds, from the
13 charter school shall revert to the district school board.
14 Capital outlay funds provided pursuant to s. 1013.62 that are
15 unencumbered shall revert to the department to be
16 redistributed among eligible charter schools. In the event a
17 charter school is dissolved or is otherwise terminated, all
18 district school board property and improvements, furnishings,
19 and equipment purchased with public funds shall automatically
20 revert to full ownership by the district school board, subject
21 to complete satisfaction of any lawful liens or encumbrances.
22 Any unencumbered public funds from the charter school,
23 district school board property and improvements, furnishings,
24 and equipment purchased with public funds, or financial or
25 other records pertaining to the charter school, in the
26 possession of any person, entity, or holding company, other
27 than the charter school, shall be held in trust upon the
28 district school board's request, until any appeal status is
29 resolved.

30 ~~(h)(f)~~ If a charter is not renewed or is terminated,
31 the charter school is responsible for all debts of the charter

1 school. The district may not assume the debt from any contract
2 for services made between the governing body of the school and
3 a third party, except for a debt that is previously detailed
4 and agreed upon in writing by both the district and the
5 governing body of the school and that may not reasonably be
6 assumed to have been satisfied by the district.

7 ~~(i)(g)~~ If a charter is not renewed or is terminated, a
8 student who attended the school may apply to, and shall be
9 enrolled in, another public school. Normal application
10 deadlines shall be disregarded under such circumstances.

11 (9) CHARTER SCHOOL REQUIREMENTS.--

12 (a) A charter school shall be nonsectarian in its
13 programs, admission policies, employment practices, and
14 operations.

15 (b) A charter school shall admit students as provided
16 in subsection (10).

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

19 (d) A charter school shall not charge tuition or
20 registration fees, except those fees normally charged by other
21 public schools. However, a charter lab school may charge a
22 student activity and service fee as authorized by s.
23 1002.32(5).

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

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

28 (g) A charter school shall provide for an annual
29 financial audit in accordance with s. 218.39. The governing
30 board shall be responsible for:

31

1 1. Hiring an independent certified public accountant
2 for the annual financial audit who shall report to the
3 governing board the audit report;

4 2. Reviewing and approving the audit report, including
5 the audit findings and recommendations for corrective action;
6 and

7 3. Monitoring the corrective-action plan in order to
8 ensure compliance within the next fiscal year.

9
10 The consequences for the failure of a school to comply with an
11 audit finding shall be based upon the nature of the audit
12 finding. The consequences may range from timely implementation
13 of a financial-recovery plan to nonrenewal or termination of
14 the charter agreement.

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

17 (i) Any individual, group, organization, or private or
18 nonprofit company that submits an application to operate a
19 charter school in this state, or that is contracted with by
20 the governing board of a charter school to operate a charter
21 school in this state, must register with the Department of
22 Education upon submission of its application to the sponsor.
23 The Department of Education shall maintain a database that
24 contains the name of each organization or entity applying for
25 a charter or operating by contract a charter school in this
26 state, principal contact information, a description of the
27 organization or entity, an identification of the number of
28 charter applications or contracts in the state, and disclosure
29 of charters terminated or renewed in this state and other
30 states. A sponsor may not approve an application for a charter
31 unless the governing board and contract operator of the school

1 have submitted a complete, accurate, and timely registration
2 with the Department of Education.

3 ~~(j)(i)~~ In order to provide financial information that
4 is comparable to that reported for other public schools,
5 charter schools are to maintain all financial records which
6 constitute their accounting system:

7 1. In accordance with the accounts and codes
8 prescribed in the most recent issuance of the publication
9 titled "Financial and Program Cost Accounting and Reporting
10 for Florida Schools"; or

11 2. At the discretion of the charter school governing
12 board, a charter school may elect to follow generally accepted
13 accounting standards for not-for-profit organizations, but
14 must reformat this information for reporting according to this
15 paragraph.

16
17 Charter schools shall ~~are to~~ provide annual financial report
18 and program cost report information in the state-required
19 formats for inclusion in district reporting in compliance with
20 s. 1011.60(1). Charter schools that are operated by a
21 municipality or are a component unit of a parent nonprofit
22 organization may use the accounting system of the municipality
23 or the parent but must reformat this information for reporting
24 according to this paragraph. The Department of Education must
25 develop a modified annual financial report for use by charter
26 schools, which would allow districts and the state to include
27 charter school expenditures in their educational cost reports.
28 The department must develop guidelines that identify district
29 and department responsibilities for verifying the data in
30 these reports. These guidelines must require that each charter
31 school's annual financial report be signed by the school's

1 chief financial officer or the certified public accountant who
2 prepared the report.

3 ~~(k)(j)~~ The governing board of the charter school shall
4 annually adopt and maintain an operating budget and shall
5 approve the compensation for all personnel, including officers
6 such as the chief financial officer, the chief executive
7 officer, and the chief academic officer.

8 ~~(l)(k)~~ The governing body of the charter school shall
9 exercise continuing oversight over charter school operations,
10 including, but not limited to:

- 11 1. Revenue and expenditures;
- 12 2. Budget versus actual reporting;
- 13 3. Cash-flow activity;
- 14 4. Viability of financial operations; and
- 15 5. Review and approval of monthly financial
16 statements.

17 ~~(m)(l)~~ The governing body of the charter school shall
18 report its performance ~~progress~~ annually to its sponsor, which
19 shall forward the report to the Commissioner of Education at
20 the same time as other annual school accountability reports.
21 The governing body shall monitor and review its school in
22 adherence and compliance with components of its application
23 and charter as defined in subsection (6). The Department of
24 Education shall include in its compilation a notation if a
25 school failed to file its report by the deadline established
26 by the department. The report shall include at least the
27 following components:

- 28 1. Student achievement performance data, including the
29 information required for the annual school report and the
30 education accountability system governed by ss. 1008.31 and
31 1008.345. Charter schools are subject to the same

1 | accountability requirements as other public schools, including
2 | reports of student achievement information that links baseline
3 | student data to the school's performance projections
4 | identified in the charter. The charter school shall identify
5 | reasons for any difference between projected and actual
6 | student performance.

7 | 2. Financial status of the charter school which must
8 | include revenues and expenditures at a level of detail that
9 | allows for analysis of the ability to meet financial
10 | obligations and timely repayment of debt.

11 | 3. Documentation of the facilities in current use and
12 | any planned facilities for use by the charter school for
13 | instruction of students, administrative functions, or
14 | investment purposes.

15 | 4. Descriptive information about the charter school's
16 | personnel, including salary and benefit levels of charter
17 | school employees, the proportion of instructional personnel
18 | who hold professional or temporary certificates, and the
19 | proportion of instructional personnel teaching in-field or
20 | out-of-field.

21 | (m) A charter school shall not levy taxes or issue
22 | bonds secured by tax revenues.

23 | (n) A charter school shall provide instruction for at
24 | least the number of days required by law for other public
25 | schools, and may provide instruction for additional days.

26 | ~~(o)1.~~ The governing board of a charter school shall be
27 | composed of at least five members but not more than seven
28 | members. The governing board must include the following
29 | members:

30 | a. A member who is qualified and experienced as an
31 | educator in the private or public sector.

1 b. A member who is qualified and experienced in
2 finance and accounting.

3 c. A member who is qualified and experienced in legal
4 matters.

5 d. At least one member who is a parent of a current
6 student enrolled at the school who shall be the parent
7 representative.

8 e. At least one member who is a representative from
9 the public sector or the private sector who shall be the
10 community representative.

11 2. Those members of the governing board from the
12 private sector must not have, and their relatives as defined
13 in s. 112.3143 must not have, a substantial financial interest
14 in the design or delivery of the school's education program or
15 its business operations.

16 3. A majority of the voting membership of the
17 governing board constitutes a quorum for purposes of
18 conducting the business of the board.

19 4. A voting member of the governing board may not
20 appoint a designee to act in his or her place, except that a
21 voting member may send a representative to a board meeting,
22 but that representative may not have voting privileges.

23 5. Each member of the governing board is subject to
24 part III of chapter 112, including ss. 112.311, 112.3135,
25 112.3143, and 112.3144. For purposes of s. 112.3143(3)(a),
26 each voting member is a local public officer who must abstain
27 from voting when a voting conflict exists.

28 6. Each governing board shall establish terms of
29 office for the appointed members of the board. The terms must
30 be staggered and must be of a uniform length that does not
31 exceed 3 years. Each appointed member may serve a maximum of

1 two consecutive terms. When a vacancy occurs on the board, the
2 board must advertise the vacancy. Members shall initially be
3 appointed to fill a vacancy by the school's founding board,
4 and thereafter by the existing governing board.

5 7. Before serving on the governing board, each member
6 must provide written acknowledgement of serving as a board
7 member and accept his or her role, responsibilities, and
8 required training in the areas of governance, academics, sound
9 business practices, and ethics.

10 8. The governing board must, at a minimum, meet once
11 each quarter unless the business of the board requires monthly
12 meetings.

13 (10) ELIGIBLE STUDENTS.--

14 (a) A charter school shall be open to any student
15 covered in an interdistrict agreement or residing in the
16 school district in which the charter school is located;
17 however, in the case of a charter lab school, the charter lab
18 school shall be open to any student eligible to attend the lab
19 school as provided in s. 1002.32 or who resides in the school
20 district in which the charter lab school is located. Any
21 eligible student shall be allowed interdistrict transfer to
22 attend a charter school when based on good cause.

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

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

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

3 1. Students who are siblings of a student enrolled in
4 the charter school.

5 2. Students who are the children of a member of the
6 governing board of the charter school.

7 3. Students who are the children of an employee of the
8 charter school.

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

11 1. Students within specific age groups or grade
12 levels.

13 2. Students considered at risk of dropping out of
14 school or academic failure. Such students shall include
15 exceptional education students.

16 3. Students enrolling in a charter
17 school-in-the-workplace or charter school-in-a-municipality
18 established pursuant to subsection (15).

19 4. Students residing within a reasonable distance of
20 the charter school, as described in paragraph (20)(c). Such
21 students shall be subject to a random lottery and to the
22 racial/ethnic balance provisions described in rules of the
23 State Board of Education ~~subparagraph (7)(a)8-~~ or any federal
24 provisions that require a school to achieve a racial/ethnic
25 balance reflective of the community it serves or within the
26 racial/ethnic range of other public schools in the same school
27 district.

28 5. Students who meet reasonable academic, artistic, or
29 other eligibility standards established by the charter school
30 and included in the charter school application and charter or,
31 in the case of existing charter schools, standards that are

1 consistent with the school's mission and purpose. Such
2 standards shall be in accordance with current state law and
3 practice in public schools and may not discriminate against
4 otherwise qualified individuals.

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

8 (f) Students with handicapping conditions and students
9 served in English for Speakers of Other Languages programs
10 shall have an equal opportunity of being selected for
11 enrollment in a charter school.

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

15 (h) The capacity of the charter school shall be
16 determined annually by the governing board, in conjunction
17 with the sponsor, of the charter school in consideration of
18 the factors identified in this subsection.

19 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
20 ACTIVITIES.--A charter school student is eligible to
21 participate in an interscholastic extracurricular activity at
22 the public school to which the student would be otherwise
23 assigned to attend pursuant to s. 1006.15(3)(d).

24 (12) EMPLOYEES OF CHARTER SCHOOLS.--

25 (a) A charter school shall select its own employees. A
26 charter school may contract with its sponsor for the services
27 of personnel employed by the sponsor.

28 (b) Charter school employees shall have the option to
29 bargain collectively. Employees may collectively bargain as a
30 separate unit or as part of the existing district collective
31

1 bargaining unit as determined by the structure of the charter
2 school.

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

6 (d) The teachers at a charter school may choose to be
7 part of a professional group that subcontracts with the
8 charter school to operate the instructional program under the
9 auspices of a partnership or cooperative that they
10 collectively own. Under this arrangement, the teachers would
11 not be public employees.

12 (e) Employees of a school district may take leave to
13 accept employment in a charter school upon the approval of the
14 district school board. While employed by the charter school
15 and on leave that is approved by the district school board,
16 the employee may retain seniority accrued in that school
17 district and may continue to be covered by the benefit
18 programs of that school district, if the charter school and
19 the district school board agree to this arrangement and its
20 financing. School districts shall not require resignations of
21 teachers desiring to teach in a charter school. This paragraph
22 shall not prohibit a district school board from approving
23 alternative leave arrangements consistent with chapter 1012.

24 (f) Teachers employed by or under contract to a
25 charter school shall be certified as required by chapter 1012.
26 A charter school governing board may employ or contract with
27 skilled selected noncertified personnel to provide
28 instructional services or to assist instructional staff
29 members as education paraprofessionals in the same manner as
30 defined in chapter 1012, and as provided by State Board of
31 Education rule for charter school governing boards. A charter

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

11 (g) A charter school shall employ or contract with
12 employees who have undergone background screening as provided
13 in s. 1012.32. Members of the governing board of the charter
14 school shall also undergo background screening in a manner
15 similar to that provided in s. 1012.32.

16 (h) For the purposes of tort liability, the governing
17 body and employees of a charter school shall be governed by s.
18 768.28.

19 (i) A charter school shall organize as, or be operated
20 by, a nonprofit organization. A charter school may be operated
21 by a municipality or other public entity as provided for by
22 law. As such, the charter school may be either a private or a
23 public employer. As a public employer, a charter school may
24 participate in the Florida Retirement System upon application
25 and approval as a "covered group" under s. 121.021(34). If a
26 charter school participates in the Florida Retirement System,
27 the charter school employees shall be compulsory members of
28 the Florida Retirement System. As either a private or a public
29 employer, a charter school may contract for services with an
30 individual or group of individuals who are organized as a
31 partnership or a cooperative. Individuals or groups of

1 individuals who contract their services to the charter school
2 are not public employees.

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

12 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
13 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
14 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
15 to borrow or otherwise secure funds for a charter school
16 authorized in this section from a source other than the state
17 or a school district shall indemnify the state and the school
18 district from any and all liability, including, but not
19 limited to, financial responsibility for the payment of the
20 principal or interest. Any loans, bonds, or other financial
21 agreements are not obligations of the state or the school
22 district but are obligations of the charter school authority
23 and are payable solely from the sources of funds pledged by
24 such agreement. The credit or taxing power of the state or the
25 school district shall not be pledged and no debts shall be
26 payable out of any moneys except those of the legal entity in
27 possession of a valid charter approved by a district school
28 board pursuant to this section.

29 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
30 SCHOOLS-IN-A-MUNICIPALITY.--

31

1 (a) In order to increase business partnerships in
2 education, to reduce school and classroom overcrowding
3 throughout the state, and to offset the high costs for
4 educational facilities construction, the Legislature intends
5 to encourage the formation of business partnership schools or
6 satellite learning centers and municipal-operated schools
7 through charter school status.

8 (b) A charter school-in-the-workplace may be
9 established when a business partner provides the school
10 facility to be used; enrolls students based upon a random
11 lottery that involves all of the children of employees of that
12 business or corporation who are seeking enrollment, as
13 provided for in subsection (10); and enrolls students
14 according to the racial/ethnic balance provisions described in
15 rules of the State Board of Education ~~subparagraph (7)(a)8~~.
16 Any portion of a facility used for a public charter school
17 shall be exempt from ad valorem taxes, as provided for in s.
18 1013.54, for the duration of its use as a public school.

19 (c) A charter school-in-a-municipality designation may
20 be granted to a municipality that possesses a charter; enrolls
21 students based upon a random lottery that involves all of the
22 children of the residents of that municipality who are seeking
23 enrollment, as provided for in subsection (10); and enrolls
24 students according to the racial/ethnic balance provisions
25 described in rules of the State Board of Education
26 ~~subparagraph (7)(a)8~~. When a municipality has submitted
27 charter applications for the establishment of a charter school
28 feeder pattern, consisting of elementary, middle, and senior
29 high schools, and each individual charter application is
30 approved by the district school board, such schools shall then
31 be designated as one charter school for all purposes listed

1 pursuant to this section. Any portion of the land and facility
2 used for a public charter school shall be exempt from ad
3 valorem taxes, as provided for in s. 1013.54, for the duration
4 of its use as a public school.

5 (d) As used in this subsection, the terms "business
6 partner" or "municipality" may include more than one business
7 or municipality to form a charter school-in-the-workplace or
8 charter school-in-a-municipality.

9 (16) EXEMPTION FROM STATUTES.--

10 (a) A charter school shall operate in accordance with
11 its charter and shall be exempt from all statutes in chapters
12 1000-1013. However, a charter school shall be in compliance
13 with the following statutes in chapters 1000-1013:

14 1. Those statutes specifically applying to charter
15 schools, including this section.

16 2. Those statutes pertaining to the student assessment
17 program and school grading system.

18 3. Those statutes pertaining to the provision of
19 services to students with disabilities.

20 4. Those statutes pertaining to civil rights,
21 including s. 1000.05, relating to discrimination.

22 5. Those statutes pertaining to student health,
23 safety, and welfare.

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

26 1. Section 286.011, relating to public meetings and
27 records, public inspection, and criminal and civil penalties.

28 2. Chapter 119, relating to public records.

29 (17) FUNDING.--Students enrolled in a charter school,
30 regardless of the sponsorship, shall be funded as if they are
31 in a basic program or a special program, the same as students

1 enrolled in other public schools in the school district.
2 Funding for a charter lab school shall be as provided in s.
3 1002.32.

4 (a) Each charter school shall report its student
5 enrollment to the district school board as required in s.
6 1011.62, and in accordance with the definitions in s. 1011.61.
7 The district school board shall include each charter school's
8 enrollment in the district's report of student enrollment. All
9 charter schools submitting student record information required
10 by the Department of Education shall comply with the
11 Department of Education's guidelines for electronic data
12 formats for such data, and all districts shall accept
13 electronic data that complies with the Department of
14 Education's electronic format.

15 (b) The basis for the agreement for funding students
16 enrolled in a charter school shall be the sum of the school
17 district's operating funds from the Florida Education Finance
18 Program as provided in s. 1011.62 and the General
19 Appropriations Act, including gross state and local funds,
20 discretionary lottery funds, and funds from the school
21 district's current operating discretionary millage levy;
22 divided by total funded weighted full-time equivalent students
23 in the school district; multiplied by the weighted full-time
24 equivalent students for the charter school. Charter schools
25 whose students or programs meet the eligibility criteria in
26 law shall be entitled to their proportionate share of
27 categorical program funds included in the total funds
28 available in the Florida Education Finance Program by the
29 Legislature, including transportation. Total funding for each
30 charter school shall be recalculated during the year to
31 reflect the revised calculations under the Florida Education

1 Finance Program by the state and the actual weighted full-time
2 equivalent students reported by the charter school during the
3 full-time equivalent student survey periods designated by the
4 Commissioner of Education.

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

16 (d) District school boards shall make every effort to
17 ensure that charter schools receive timely and efficient
18 reimbursement, including processing paperwork required to
19 access special state and federal funding for which they may be
20 eligible. The district school board may distribute funds to a
21 charter school for up to 3 months based on the projected
22 full-time equivalent student membership of the charter school.
23 Thereafter, the results of full-time equivalent student
24 membership surveys shall be used in adjusting the amount of
25 funds distributed monthly to the charter school for the
26 remainder of the fiscal year. The payment shall be issued no
27 later than 10 working days after the district school board
28 receives a distribution of state or federal funds. If a
29 warrant for payment is not issued within 30 working days after
30 receipt of funding by the district school board, the school
31 district shall pay to the charter school, in addition to the

1 amount of the scheduled disbursement, interest at a rate of 1
2 percent per month calculated on a daily basis on the unpaid
3 balance from the expiration of the 30-day period until such
4 time as the warrant is issued.

5 (18) FACILITIES.--

6 (a) A charter school shall utilize facilities which
7 comply with the Florida Building Code pursuant to chapter 553
8 except for the State Requirements for Educational Facilities.
9 Charter schools are not required to comply, but may choose to
10 comply, with the State Requirements for Educational Facilities
11 of the Florida Building Code adopted pursuant to s. 1013.37.
12 The local governing authority shall not adopt or impose local
13 building requirements or restrictions that are more stringent
14 than those found in the Florida Building Code. The agency
15 having jurisdiction for inspection of a facility and issuance
16 of a certificate of occupancy shall be the local municipality
17 or, if in an unincorporated area, the county governing
18 authority.

19 (b) A charter school shall utilize facilities that
20 comply with the Florida Fire Prevention Code, pursuant to s.
21 633.025, as adopted by the authority in whose jurisdiction the
22 facility is located as provided in paragraph (a).

23 (c) Any facility, or portion thereof, used to house a
24 charter school whose charter has been approved by the sponsor
25 and the governing board, pursuant to subsection (7), shall be
26 exempt from ad valorem taxes pursuant to s. 196.1983.

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

31

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

19 (f) To the extent that charter school facilities are
20 specifically created to mitigate the educational impact
21 created by the development of new residential dwelling units,
22 pursuant to subparagraph (2)(c)4., some of or all of the
23 educational impact fees required to be paid in connection with
24 the new residential dwelling units may be designated instead
25 for the construction of the charter school facilities that
26 will mitigate the student station impact. Such facilities
27 shall be built to the State Requirements for Educational
28 Facilities and shall be owned by a public or nonprofit entity.
29 The local school district retains the right to monitor and
30 inspect such facilities to ensure compliance with the State
31 Requirements for Educational Facilities. If a facility ceases

1 | to be used for public educational purposes, either the
2 | facility shall revert to the school district subject to any
3 | debt owed on the facility, or the owner of the facility shall
4 | have the option to refund all educational impact fees utilized
5 | for the facility to the school district. The district and the
6 | owner of the facility may contractually agree to another
7 | arrangement for the facilities if the facilities cease to be
8 | used for educational purposes. The owner of property planned
9 | or approved for new residential dwelling units and the entity
10 | levying educational impact fees shall enter into an agreement
11 | that designates the educational impact fees that will be
12 | allocated for the charter school student stations and that
13 | ensures the timely construction of the charter school student
14 | stations concurrent with the expected occupancy of the
15 | residential units. The application for use of educational
16 | impact fees shall include an approved charter school
17 | application. To assist the school district in forecasting
18 | student station needs, the entity levying the impact fees
19 | shall notify the affected district of any agreements it has
20 | approved for the purpose of mitigating student station impact
21 | from the new residential dwelling units.

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

24 | (20) SERVICES.--

25 | (a) A sponsor shall provide certain administrative and
26 | educational services to charter schools. These services shall
27 | include contract management services; full-time equivalent and
28 | data reporting services; exceptional student education
29 | administration services; test administration services,
30 | including payment of the costs of state-required or
31 | district-required student assessments; processing of teacher

1 certificate data services; and information services, including
2 equal access to student information systems that are used by
3 public schools in the district in which the charter school is
4 located. A total administrative fee for the provision of such
5 services shall be calculated based upon 5 percent of the
6 available funds defined in paragraph (17)(b) for all students.
7 However, a sponsor may only withhold a 5-percent
8 administrative fee for enrollment for up to and including 500
9 students. For charter schools with a population of 501 or more
10 students, the difference between the total administrative fee
11 calculation and the amount of the administrative fee withheld
12 may only be used for capital outlay purposes specified in s.
13 1013.62(2). Sponsors shall not charge charter schools any
14 additional fees or surcharges for administrative and
15 educational services in addition to the 5-percent
16 administrative fee withheld pursuant to this paragraph.

17 (b) If goods and services are made available to the
18 charter school through the contract with the school district,
19 they shall be provided to the charter school at a rate no
20 greater than the district's actual cost unless mutually agreed
21 upon by the charter school and the sponsor in a contract
22 negotiated separately from the charter. When mediation has
23 failed to resolve disputes over contracted services or
24 contractual matters not included in the charter, an appeal may
25 be made for a dispute resolution hearing before the Charter
26 School Appeal Commission. To maximize the use of state funds,
27 school districts shall allow charter schools to participate in
28 the sponsor's bulk purchasing program if applicable.

29 (c) Transportation of charter school students shall be
30 provided by the charter school consistent with the
31 requirements of subpart I.E. of chapter 1006 and s. 1012.45.

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

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

16 (22) STATE BOARD OF EDUCATION AUTHORITY.--

17 (a) The State Board of Education may adopt rules
18 pursuant to ss. 120.536(1) and 120.54 to administer this
19 section.

20 (b) The State Board of Education has authority
21 pursuant to s. 1008.32 to enforce the provisions of this
22 section.

23 (c) The State Board of Education shall ensure that the
24 Department of Education provides or arranges for the provision
25 of the following services:

26 1. Assistance to potential charter applicants in
27 identifying available resources and information that would
28 enable the applicant to submit a stronger charter application.

29 2. Assistance to sponsors and charter schools in
30 developing a model charter contract that may be modified to
31 reflect local decisions. Such a model should not impede

1 creativity in delivering the educational program of the
2 charter school. The model should assist charter schools in
3 identifying the services a charter school receives for any
4 administrative assessment and in determining the per-student
5 cost of those services. The model should also address the
6 provision of food service and transportation.

7 3. Assistance to sponsors and charter school in
8 developing a model charter renewal evaluation process that may
9 be modified to reflect individual contracts and local
10 decisions.

11 4. Annual training opportunities for members of
12 charter school governing boards relating to current statutory
13 and financial requirements pertaining to charter schools.

14 5. Annual joint training opportunities for school
15 district personnel whose responsibilities involve working with
16 charter applicants and charter schools and for personnel of
17 charter schools. Such training should include current
18 statutory and financial requirements pertaining to charter
19 schools and other appropriate matters.

20 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE~~
21 ~~REVIEW.—~~

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

1 ~~the panel and shall designate the chair. Each member of the~~
2 ~~panel shall serve a 1 year term, unless renewed by the office~~
3 ~~making the appointment. The panel shall make recommendations~~
4 ~~to the Legislature, to the Department of Education, to charter~~
5 ~~schools, and to school districts for improving charter school~~
6 ~~operations and oversight and for ensuring best business~~
7 ~~practices at and fair business relationships with charter~~
8 ~~schools.~~

9 ~~(b) The Legislature shall review the operation of~~
10 ~~charter schools during the 2005 Regular Session of the~~
11 ~~Legislature.~~

12 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
13 receipt of the annual report required by paragraph (9)(1), the
14 Department of Education shall provide to the State Board of
15 Education, the Commissioner of Education, the Governor, the
16 President of the Senate, and the Speaker of the House of
17 Representatives an analysis and comparison of the overall
18 performance of charter school students, to include all
19 students whose scores are counted as part of the statewide
20 assessment program, versus comparable public school students
21 in the district as determined by the statewide assessment
22 program currently administered in the school district, and
23 other assessments administered pursuant to s. 1008.22(3).

24 (24) FINANCIAL MANAGEMENT.--The Department of
25 Education must develop a system that includes a comprehensive
26 list of financial-management indicators to be used by sponsors
27 for the early identification of charter schools at greatest
28 risk for financial difficulty. The Department of Education
29 must provide training and technical assistance to charter
30 schools at greatest risk for financial difficulty. The
31 Department of Education must report information on schools

1 identified as at risk for financial difficulty in the past
2 year and the actions that the department and local school
3 district have taken to assist each school in the annual report
4 required by paragraph (9)(m).

5 ~~(25)(24)~~ RULEMAKING.--The Department of Education,
6 after consultation with school districts and charter school
7 directors, shall recommend that the State Board of Education
8 adopt rules to implement specific subsections of this section.
9 Such rules shall require minimum paperwork and shall not limit
10 charter school flexibility authorized by statute.

11 Section 7. Subsection (8) is added to section 1011.68,
12 Florida Statutes, to read:

13 1011.68 Funds for student transportation.--The annual
14 allocation to each district for transportation to public
15 school programs, including charter schools as provided in s.
16 1002.33(17)(b), of students in membership in kindergarten
17 through grade 12 and in migrant and exceptional student
18 programs below kindergarten shall be determined as follows:

19 (8) Notwithstanding s. 1006.22(1) and (2), if an
20 isolated student attends a charter school governed by a
21 community college, the community college shall generate school
22 transportation funding according to ss. 1002.33(17)(b),
23 1011.62, and this section. A community college board of
24 trustees may include in its charter school contract a
25 provision for parent transportation of students which is
26 consistent with s. 1002.33(20)(c), if the cost of the
27 transportation service does not exceed the transportation
28 funds generated by this chapter.

29 Section 8. This act shall take effect July 1, 2005.
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1710
4
5 The Committee Substitute clarifies provisions relating to the
6 determination of a financial emergency at a charter school.
7 Charter schools are added to the local governmental entities
8 and district school boards list as being covered in sections
9 218.50, 218.501, and 218.503, Florida Statutes, of the
10 "Financial Emergencies Act." If one or more of the financial
11 conditions listed in the Act is found to have occurred or will
12 occur if preventive action is not taken, the charter school
13 must notify within 30 days, the charter school sponsor and the
14 Legislative Auditing Committee. The sponsor is required to
15 contact the charter school and determine what is being done to
16 resolve the condition. A sponsor may require the governing
17 board of a charter school to develop a financial-recovery plan
18 for the school and seek approval of the plan by the sponsor.
19
20 The Committee Substitute amends s. 1011.62, Florida Statutes,
21 to allow a charter school governed by a community college to
22 generate school transportation funding for "isolated" students
23 (ss. 1002.33 (17) (b), 1011.62, and 1011.68) and use those
24 funds to pay parents to transport students to the school.
25 Such expenditures may not exceed the amount of funds generated
26 by the statutory school transportation formula.
27
28 The Committee Substitute clarifies how a charter school
29 sponsor may assist a charter school in dealing with a local
30 fire marshal inspecting a charter school facility. At the
31 request of the charter school a sponsor is to provide
 assistance in scheduling fire code inspections. The charter
 application is to specify the code which the charter school
 has chosen to be inspected against. When an inspection occurs,
 the fire marshal is to be given a copy of the agreed upon
 language from the application stating which code is to be used
 and must acknowledge receipt of that information.
32
33 The Committee Substitute provides clarifying language relating
34 to policies of the sponsor, making such policies apply to
35 charter schools only when the policies were specifically
36 promulgated for charter schools.
37
38 The Committee Substitute specifies new responsibilities for
39 the governing board of a charter school. It requires the
40 governing board to approve the compensation for all personnel
41 at the charter school and specifies the composition,
42 qualifications, terms of office, and identifies what
43 constitutes a quorum for members of the governing board. The
44 Committee Substitute requires members of the governing board
45 to abstain from voting when a voting conflict arises.