

HB 1569

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1 A bill to be entitled
2 An act relating to education; amending s. 121.091, F.S.;
3 increasing the period of time during which certain charter
4 school instructional personnel may participate in the
5 Florida Retirement System Deferred Retirement Option
6 Program; extending such participation to certain school
7 district prekindergarten instructional personnel; amending
8 s. 1002.33, F.S., relating to charter schools; prohibiting
9 unlawful reprisal against a charter school by the school's
10 sponsor; providing for relief of a charter school;
11 providing duties of a sponsor relating to the charter
12 school application process and review; revising provisions
13 relating to charter school renewal terms; providing for
14 monthly distribution of funds to charter schools; revising
15 charter school facility fee exemptions; providing for
16 availability to charter schools of public school property
17 and facilities; providing a declaration of important state
18 interest; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraphs (a) and (b) of subsection (13) of
23 section 121.091, Florida Statutes, are amended to read:

24 121.091 Benefits payable under the system.--Benefits may
25 not be paid under this section unless the member has terminated
26 employment as provided in s. 121.021(39) (a) or begun
27 participation in the Deferred Retirement Option Program as
28 provided in subsection (13), and a proper application has been

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29 | filed in the manner prescribed by the department. The department
30 | may cancel an application for retirement benefits when the
31 | member or beneficiary fails to timely provide the information
32 | and documents required by this chapter and the department's
33 | rules. The department shall adopt rules establishing procedures
34 | for application for retirement benefits and for the cancellation
35 | of such application when the required information or documents
36 | are not received.

37 | (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
38 | subject to the provisions of this section, the Deferred
39 | Retirement Option Program, hereinafter referred to as the DROP,
40 | is a program under which an eligible member of the Florida
41 | Retirement System may elect to participate, deferring receipt of
42 | retirement benefits while continuing employment with his or her
43 | Florida Retirement System employer. The deferred monthly
44 | benefits shall accrue in the System Trust Fund on behalf of the
45 | participant, plus interest compounded monthly, for the specified
46 | period of the DROP participation, as provided in paragraph (c).
47 | Upon termination of employment, the participant shall receive
48 | the total DROP benefits and begin to receive the previously
49 | determined normal retirement benefits. Participation in the DROP
50 | does not guarantee employment for the specified period of DROP.
51 | Participation in the DROP by an eligible member beyond the
52 | initial 60-month period as authorized in this subsection shall
53 | be on an annual contractual basis for all participants.

54 | (a) Eligibility of member to participate in the DROP.--All
55 | active Florida Retirement System members in a regularly
56 | established position, and all active members of either the

57 Teachers' Retirement System established in chapter 238 or the
58 State and County Officers' and Employees' Retirement System
59 established in chapter 122 which systems are consolidated within
60 the Florida Retirement System under s. 121.011, are eligible to
61 elect participation in the DROP provided that:

62 1. The member is not a renewed member of the Florida
63 Retirement System under s. 121.122, or a member of the State
64 Community College System Optional Retirement Program under s.
65 121.051, the Senior Management Service Optional Annuity Program
66 under s. 121.055, or the optional retirement program for the
67 State University System under s. 121.35.

68 2. Except as provided in subparagraph 6., election to
69 participate is made within 12 months immediately following the
70 date on which the member first reaches normal retirement date,
71 or, for a member who reaches normal retirement date based on
72 service before he or she reaches age 62, or age 55 for Special
73 Risk Class members, election to participate may be deferred to
74 the 12 months immediately following the date the member attains
75 57, or age 52 for Special Risk Class members. For a member who
76 first reached normal retirement date or the deferred eligibility
77 date described above prior to the effective date of this
78 section, election to participate shall be made within 12 months
79 after the effective date of this section. A member who fails to
80 make an election within such 12-month limitation period shall
81 forfeit all rights to participate in the DROP. The member shall
82 advise his or her employer and the division in writing of the
83 date on which the DROP shall begin. Such beginning date may be
84 subsequent to the 12-month election period, but must be within

85 | the 60-month or, with respect to members who are instructional
86 | personnel as defined in s. 1012.01(2)(a)-(d) in prekindergarten
87 | through grade 12 in the public school system who are funded
88 | through the Florida Education Finance Program and employed by a
89 | charter school and who have received authorization from the
90 | governing board of the charter school to participate in DROP
91 | beyond 60 months, or who are instructional personnel employed by
92 | the Florida School for the Deaf and the Blind and who have
93 | received authorization by the Board of Trustees of the Florida
94 | School for the Deaf and the Blind to participate in the DROP
95 | beyond 60 months, or who are instructional personnel as defined
96 | in s. 1012.01(2)(a)-(d) in prekindergarten through grade 12 in
97 | the public school system who are funded through the Florida
98 | Education Finance Program ~~grades K-12~~ and who have received
99 | authorization by the district school superintendent to
100 | participate in the DROP beyond 60 months, the 96-month
101 | limitation period as provided in subparagraph (b)1. When
102 | establishing eligibility of the member to participate in the
103 | DROP for the 60-month or, with respect to members who are
104 | instructional personnel as defined in s. 1012.01(2)(a)-(d) in
105 | prekindergarten through grade 12 in the public school system who
106 | are funded through the Florida Education Finance Program and
107 | employed by a charter school and who have received authorization
108 | from the governing board of the charter school to participate in
109 | DROP beyond 60 months, or who are instructional personnel
110 | employed by the Florida School for the Deaf and the Blind and
111 | who have received authorization by the Board of Trustees of the
112 | Florida School for the Deaf and the Blind to participate in the

113 DROPPED beyond 60 months, or who are instructional personnel as
 114 defined in s. 1012.01(2)(a)-(d) in prekindergarten through grade
 115 12 in the public school system who are funded through the
 116 Florida Education Finance Program ~~grades K-12~~ and who have
 117 received authorization by the district school superintendent to
 118 participate in the DROPPED beyond 60 months, the 96-month maximum
 119 participation period, the member may elect to include or exclude
 120 any optional service credit purchased by the member from the
 121 total service used to establish the normal retirement date. A
 122 member with dual normal retirement dates shall be eligible to
 123 elect to participate in DROPPED within 12 months after attaining
 124 normal retirement date in either class.

125 3. The employer of a member electing to participate in the
 126 DROPPED, or employers if dually employed, shall acknowledge in
 127 writing to the division the date the member's participation in
 128 the DROPPED begins and the date the member's employment and DROPPED
 129 participation will terminate.

130 4. Simultaneous employment of a participant by additional
 131 Florida Retirement System employers subsequent to the
 132 commencement of participation in the DROPPED shall be permissible
 133 provided such employers acknowledge in writing a DROPPED
 134 termination date no later than the participant's existing
 135 termination date or the 60-month limitation period as provided
 136 in subparagraph (b)1.

137 5. A DROPPED participant may change employers while
 138 participating in the DROPPED, subject to the following:

139 a. A change of employment must take place without a break
 140 in service so that the member receives salary for each month of

141 continuous DROP participation. If a member receives no salary
 142 during a month, DROP participation shall cease unless the
 143 employer verifies a continuation of the employment relationship
 144 for such participant pursuant to s. 121.021(39)(b).

145 b. Such participant and new employer shall notify the
 146 division on forms required by the division as to the identity of
 147 the new employer.

148 c. The new employer shall acknowledge, in writing, the
 149 participant's DROP termination date, which may be extended but
 150 not beyond the original 60-month or, with respect to members who
 151 are instructional personnel as defined in s. 1012.01(2)(a)-(d)
 152 in prekindergarten through grade 12 in the public school system
 153 who are funded through the Florida Education Finance Program and
 154 employed by a charter school and who have received authorization
 155 from the governing board of the charter school to participate in
 156 DROP beyond 60 months, or who are instructional personnel
 157 employed by the Florida School for the Deaf and the Blind and
 158 who have received authorization by the Board of Trustees of the
 159 Florida School for the Deaf and the Blind to participate in the
 160 DROP beyond 60 months, or who are instructional personnel as
 161 defined in s. 1012.01(2)(a)-(d) in prekindergarten through grade
 162 12 in the public school system who are funded through the
 163 Florida Education Finance Program ~~grades K-12~~ and who have
 164 received authorization by the district school superintendent to
 165 participate in the DROP beyond 60 months, the 96-month period
 166 provided in subparagraph (b)1., shall acknowledge liability for
 167 any additional retirement contributions and interest required if
 168 the participant fails to timely terminate employment, and shall

169 be subject to the adjustment required in sub-subparagraph
 170 (c)5.d.

171 6. Effective July 1, 2001, for instructional personnel as
 172 defined in s. 1012.01(2), election to participate in the DROP
 173 shall be made at any time following the date on which the member
 174 first reaches normal retirement date. The member shall advise
 175 his or her employer and the division in writing of the date on
 176 which the Deferred Retirement Option Program shall begin. When
 177 establishing eligibility of the member to participate in the
 178 DROP for the 60-month or, with respect to members who are
 179 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
 180 prekindergarten through grade 12 in the public school system who
 181 are funded through the Florida Education Finance Program and
 182 employed by a charter school and who have received authorization
 183 from the governing board of the charter school to participate in
 184 DROP beyond 60 months, or who are instructional personnel
 185 employed by the Florida School for the Deaf and the Blind and
 186 who have received authorization by the Board of Trustees of the
 187 Florida School for the Deaf and the Blind to participate in the
 188 DROP beyond 60 months, or who are instructional personnel as
 189 defined in s. 1012.01(2)(a)-(d) in prekindergarten through grade
 190 12 in the public school system who are funded through the
 191 Florida Education Finance Program ~~grades K-12~~ and who have
 192 received authorization by the district school superintendent to
 193 participate in the DROP beyond 60 months, the 96-month maximum
 194 participation period, as provided in subparagraph (b)1., the
 195 member may elect to include or exclude any optional service
 196 credit purchased by the member from the total service used to

197 establish the normal retirement date. A member with dual normal
 198 retirement dates shall be eligible to elect to participate in
 199 either class.

200 (b) Participation in the DROP.--

201 1. An eligible member may elect to participate in the DROP
 202 for a period not to exceed a maximum of 60 calendar months or,
 203 with respect to members who are instructional personnel as
 204 defined in s. 1012.01(2)(a)-(d) in prekindergarten through grade
 205 12 in the public school system who are funded through the
 206 Florida Education Finance Program and employed by a charter
 207 school and who have received authorization from the governing
 208 board of the charter school to participate in DROP beyond 60
 209 months, or who are instructional personnel employed by the
 210 Florida School for the Deaf and the Blind and who have received
 211 authorization by the Board of Trustees of the Florida School for
 212 the Deaf and the Blind to participate in the DROP beyond 60
 213 months, or who are instructional personnel as defined in s.
 214 1012.01(2)(a)-(d) in prekindergarten through grade 12 in the
 215 public school system who are funded through the Florida
 216 Education Finance Program ~~grades K-12~~ and who have received
 217 authorization by the district school superintendent to
 218 participate in the DROP beyond 60 calendar months, 96 calendar
 219 months immediately following the date on which the member first
 220 reaches his or her normal retirement date or the date to which
 221 he or she is eligible to defer his or her election to
 222 participate as provided in subparagraph (a)2. However, a member
 223 who has reached normal retirement date prior to the effective
 224 date of the DROP shall be eligible to participate in the DROP

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225 for a period of time not to exceed 60 calendar months or, with
226 respect to members who are instructional personnel as defined in
227 s. 1012.01(2)(a)-(d) in prekindergarten through grade 12 in the
228 public school system who are funded through the Florida
229 Education Finance Program and employed by a charter school and
230 who have received authorization from the governing board of the
231 charter school to participate in DROP beyond 60 months, or who
232 are instructional personnel employed by the Florida School for
233 the Deaf and the Blind and who have received authorization by
234 the Board of Trustees of the Florida School for the Deaf and the
235 Blind to participate in the DROP beyond 60 months, or who are
236 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
237 prekindergarten through grade 12 in the public school system who
238 are funded through the Florida Education Finance Program ~~grades~~
239 ~~K-12~~ and who have received authorization by the district school
240 superintendent to participate in the DROP beyond 60 calendar
241 months, 96 calendar months immediately following the effective
242 date of the DROP, except a member of the Special Risk Class who
243 has reached normal retirement date prior to the effective date
244 of the DROP and whose total accrued value exceeds 75 percent of
245 average final compensation as of his or her effective date of
246 retirement shall be eligible to participate in the DROP for no
247 more than 36 calendar months immediately following the effective
248 date of the DROP.

249 2. Upon deciding to participate in the DROP, the member
250 shall submit, on forms required by the division:

251 a. A written election to participate in the DROP;

252 b. Selection of the DROP participation and termination
253 dates, which satisfy the limitations stated in paragraph (a) and
254 subparagraph 1. Such termination date shall be in a binding
255 letter of resignation with the employer, establishing a deferred
256 termination date. The member may change the termination date
257 within the limitations of subparagraph 1., but only with the
258 written approval of his or her employer;

259 c. A properly completed DROP application for service
260 retirement as provided in this section; and

261 d. Any other information required by the division.

262 3. The DROP participant shall be a retiree under the
263 Florida Retirement System for all purposes, except for paragraph
264 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
265 and 121.122. However, participation in the DROP does not alter
266 the participant's employment status and such employee shall not
267 be deemed retired from employment until his or her deferred
268 resignation is effective and termination occurs as provided in
269 s. 121.021(39).

270 4. Elected officers shall be eligible to participate in
271 the DROP subject to the following:

272 a. An elected officer who reaches normal retirement date
273 during a term of office may defer the election to participate in
274 the DROP until the next succeeding term in that office. Such
275 elected officer who exercises this option may participate in the
276 DROP for up to 60 calendar months or a period of no longer than
277 such succeeding term of office, whichever is less.

278 b. An elected or a nonelected participant may run for a
279 term of office while participating in DROP and, if elected,

280 extend the DROP termination date accordingly, except, however,
 281 if such additional term of office exceeds the 60-month
 282 limitation established in subparagraph 1., and the officer does
 283 not resign from office within such 60-month limitation, the
 284 retirement and the participant's DROP shall be null and void as
 285 provided in sub-subparagraph (c)5.d.

286 c. An elected officer who is dually employed and elects to
 287 participate in DROP shall be required to satisfy the definition
 288 of termination within the 60-month or, with respect to members
 289 who are instructional personnel as defined in s. 1012.01(2)(a)-
 290 (d) in prekindergarten through grade 12 in the public school
 291 system who are funded through the Florida Education Finance
 292 Program and employed by a charter school and who have received
 293 authorization from the governing board of the charter school to
 294 participate in DROP beyond 60 months, or who are instructional
 295 personnel employed by the Florida School for the Deaf and the
 296 Blind and who have received authorization by the Board of
 297 Trustees of the Florida School for the Deaf and the Blind to
 298 participate in the DROP beyond 60 months, or who are
 299 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
 300 prekindergarten through grade 12 in the public school system who
 301 are funded through the Florida Education Finance Program ~~grades~~
 302 ~~K-12~~ and who have received authorization by the district school
 303 superintendent to participate in the DROP beyond 60 months, the
 304 96-month limitation period as provided in subparagraph 1. for
 305 the nonelected position and may continue employment as an
 306 elected officer as provided in s. 121.053. The elected officer
 307 will be enrolled as a renewed member in the Elected Officers'

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308 Class or the Regular Class, as provided in ss. 121.053 and
309 121.122, on the first day of the month after termination of
310 employment in the nonelected position and termination of DROP.
311 Distribution of the DROP benefits shall be made as provided in
312 paragraph (c).

313 Section 2. Subsections (1) and (4), paragraphs (b), (c),
314 (e), and (f) of subsection (6), paragraphs (b) and (c) of
315 subsection (7), paragraph (1) of subsection (9), paragraphs (b)
316 and (c) of subsection (17), and paragraphs (d) and (e) of
317 subsection (18) of section 1002.33, Florida Statutes, are
318 amended to read:

319 1002.33 Charter schools.--

320 (1) AUTHORIZATION.--Charter schools shall be part of the
321 state's program of public education. All charter schools in
322 Florida are public schools. Charter schools are established to
323 provide a flexible, innovative, and accountable public education
324 to students in the state. A charter school may be formed by
325 creating a new school or converting an existing public school to
326 charter status. A public school may not use the term charter in
327 its name unless it has been approved under this section.

328 (4) UNLAWFUL REPRISAL.--

329 (a) No district school board, or district school board
330 employee who has control over personnel actions, shall take
331 unlawful reprisal against another district school board employee
332 because that employee is either directly or indirectly involved
333 with an application to establish a charter school. As used in
334 this subsection, with respect to a district school board or a
335 district school board employee, the term "unlawful reprisal"

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336 means an action taken by a district school board or a school
337 system employee against an employee who is directly or
338 indirectly involved in a lawful application to establish a
339 charter school, which occurs as a direct result of that
340 involvement, and which results in one or more of the following:
341 disciplinary or corrective action; adverse transfer or
342 reassignment, whether temporary or permanent; suspension,
343 demotion, or dismissal; an unfavorable performance evaluation; a
344 reduction in pay, benefits, or rewards; elimination of the
345 employee's position absent of a reduction in workforce as a
346 result of lack of moneys or work; or other adverse significant
347 changes in duties or responsibilities that are inconsistent with
348 the employee's salary or employment classification. No sponsor
349 or sponsor's staff shall take unlawful reprisal against a
350 charter school that is operating under a charter with the
351 sponsor. As used in this subsection, with respect to a sponsor
352 or a sponsor's staff, the term "unlawful reprisal" means an
353 action taken by a sponsor or a sponsor's employee that directly
354 or indirectly impacts the operations and funding of the charter
355 school, submission of required reports, or the school's
356 compliance with the charter. The following procedures shall
357 apply to an alleged unlawful reprisal that occurs as a
358 consequence of an employee's direct or indirect involvement with
359 an application to establish a charter school or a charter
360 school's operation:

361 1. Within 60 days after the date upon which a reprisal
362 prohibited by this subsection is alleged to have occurred, an
363 employee or school may file a complaint with the Department of

364 Education.

365 2. Within 3 working days after receiving a complaint under
366 this section, the Department of Education shall acknowledge
367 receipt of the complaint and provide copies of the complaint and
368 any other relevant preliminary information available to each of
369 the other parties named in the complaint, which parties shall
370 each acknowledge receipt of such copies to the complainant.

371 3. If the Department of Education determines that the
372 complaint demonstrates reasonable cause to suspect that an
373 unlawful reprisal has occurred, the Department of Education
374 shall conduct an investigation to produce a fact-finding report.

375 4. Within 90 days after receiving the complaint, the
376 Department of Education shall provide the district school
377 superintendent of the complainant's district and the complainant
378 with a fact-finding report that may include recommendations to
379 the parties or a proposed resolution of the complaint. The fact-
380 finding report shall be presumed admissible in any subsequent or
381 related administrative or judicial review.

382 5. If the Department of Education determines that
383 reasonable grounds exist to believe that an unlawful reprisal
384 has occurred, is occurring, or is to be taken, and is unable to
385 conciliate a complaint within 60 days after receipt of the fact-
386 finding report, the Department of Education shall terminate the
387 investigation. Upon termination of any investigation, the
388 Department of Education shall notify the complainant and the
389 district school superintendent of the termination of the
390 investigation, providing a summary of relevant facts found
391 during the investigation and the reasons for terminating the

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392 investigation. A written statement under this paragraph is
393 presumed admissible as evidence in any judicial or
394 administrative proceeding.

395 6. The Department of Education shall either contract with
396 the Division of Administrative Hearings under s. 120.65, or
397 otherwise provide for a complaint for which the Department of
398 Education determines reasonable grounds exist to believe that an
399 unlawful reprisal has occurred, is occurring, or is to be taken,
400 and is unable to conciliate, to be heard by a panel of impartial
401 persons. Upon hearing the complaint, the panel shall make
402 findings of fact and conclusions of law for a final decision by
403 the Department of Education.

404

405 It shall be an affirmative defense to any action brought
406 pursuant to this section that the adverse action was predicated
407 upon grounds other than, and would have been taken absent, the
408 employee's or school's exercise of rights protected by this
409 section.

410 (b) In any action brought under this section for which it
411 is determined reasonable grounds exist to believe that an
412 unlawful reprisal against an employee has occurred, is
413 occurring, or is to be taken, the relief shall include the
414 following:

415 1. Reinstatement of the employee to the same position held
416 before the unlawful reprisal was commenced, or to an equivalent
417 position, or payment of reasonable front pay as alternative
418 relief.

419 2. Reinstatement of the employee's full fringe benefits

420 and seniority rights, as appropriate.

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

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

426 5. Issuance of an injunction, if appropriate, by a court
427 of competent jurisdiction.

428 6. Temporary reinstatement to the employee's former
429 position or to an equivalent position, pending the final outcome
430 of the complaint, if it is determined that the action was not
431 made in bad faith or for a wrongful purpose, and did not occur
432 after a district school board's initiation of a personnel action
433 against the employee that includes documentation of the
434 employee's violation of a disciplinary standard or performance
435 deficiency.

436 (c) In any action brought under this section for which it
437 is determined reasonable grounds exist to believe that an
438 unlawful reprisal against a charter school has occurred, is
439 occurring, or is to be taken, the relief shall include the
440 following:

441 1. Immediate cease and desist of the sponsor's policies
442 and practices impairing the school's operations.

443 2. Compensation, if appropriate, for lost funding to the
444 school caused by the unlawful reprisal.

445 3. Payment of reasonable costs, including attorney's fees,
446 to a substantially prevailing school.

447 4. Issuance of an injunction, if appropriate, by a court

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448 of competent jurisdiction.

449 5. Issuance of an order granting immediate transfer of the
450 charter to an alternate charter school sponsor willing to accept
451 the transfer of the charter sponsorship duties.

452 (6) APPLICATION PROCESS AND REVIEW.--Charter school
453 applications are subject to the following requirements:

454 (b) A sponsor ~~district school board~~ shall receive and
455 review all applications for a charter school. Beginning with the
456 2007-2008 school year, a sponsor ~~district school board~~ shall
457 receive and consider charter school applications received on or
458 before August 1 of each calendar year for charter schools to be
459 opened at the beginning of the school district's next school
460 year, or to be opened at a time agreed to by the applicant and
461 the sponsor. A charter school is exempt from the requirements of
462 s. 1001.42(4)(f) and shall mutually agree with its sponsor on
463 the school's calendar year ~~district school board~~. A sponsor
464 ~~district school board~~ may receive applications later than this
465 date if it chooses. A sponsor may not charge an applicant for a
466 charter any fee for the processing or consideration of an
467 application, and a sponsor may not base its consideration or
468 approval of an application upon the promise of future payment of
469 any kind.

470 1. In order to facilitate an accurate budget projection
471 process, a sponsor ~~district school board~~ shall be held harmless
472 for FTE students who are not included in the FTE projection due
473 to approval of charter school applications after the FTE
474 projection deadline. In a further effort to facilitate an
475 accurate budget projection, within 15 calendar days after

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476 receipt of a charter school application, a ~~district school board~~
477 ~~or other~~ sponsor shall report to the Department of Education the
478 name of the applicant entity, the proposed charter school
479 location, and its projected FTE.

480 2. In order to ensure fiscal responsibility, an
481 application for a charter school shall include a full accounting
482 of expected assets, a projection of expected sources and amounts
483 of income, including income derived from projected student
484 enrollments and from community support, and an expense
485 projection that includes full accounting of the costs of
486 operation, including start-up costs.

487 3. A sponsor ~~district school board~~ shall by a majority
488 vote approve or deny an application no later than 60 calendar
489 days after the application is received, unless the sponsor
490 ~~district school board~~ and the applicant mutually agree in
491 writing to temporarily postpone the vote to a specific date, at
492 which time the sponsor ~~district school board~~ shall by a majority
493 vote approve or deny the application. If the sponsor ~~district~~
494 ~~school board~~ fails to act on the application, an applicant may
495 appeal to the State Board of Education as provided in paragraph
496 (c). If an application is denied, the sponsor ~~district school~~
497 ~~board~~ shall, within 10 calendar days, articulate in writing the
498 specific reasons for its denial of the charter application and
499 shall provide the letter of denial and supporting documentation
500 to the applicant and to the Department of Education supporting
501 those reasons.

502 4. For budget projection purposes, the ~~district school~~
503 ~~board or other~~ sponsor shall report to the Department of

504 Education the approval or denial of a charter application within
 505 10 calendar days after such approval or denial. In the event of
 506 approval, the report to the Department of Education shall
 507 include the final projected FTE for the approved charter school.

508 5. Upon approval of a charter application, the initial
 509 startup shall commence with the beginning of the public school
 510 calendar for the district in which the charter is granted unless
 511 the sponsor allows a waiver of this provision for good cause.

512 (c) An applicant may appeal any denial of that applicant's
 513 application or failure to act on an application to the State
 514 Board of Education no later than 30 calendar days after receipt
 515 of the sponsor's ~~district school board's~~ decision or failure to
 516 act and shall notify the sponsor ~~district school board~~ of its
 517 appeal. Any response of the sponsor ~~district school board~~ shall
 518 be submitted to the State Board of Education within 30 calendar
 519 days after notification of the appeal. Upon receipt of
 520 notification from the State Board of Education that a charter
 521 school applicant is filing an appeal, the Commissioner of
 522 Education shall convene a meeting of the Charter School Appeal
 523 Commission to study and make recommendations to the State Board
 524 of Education regarding its pending decision about the appeal.
 525 The commission shall forward its recommendation to the state
 526 board no later than 7 calendar days prior to the date on which
 527 the appeal is to be heard. The State Board of Education shall by
 528 majority vote accept or reject the decision of the sponsor
 529 ~~district school board~~ no later than 90 calendar days after an
 530 appeal is filed in accordance with State Board of Education
 531 rule. The Charter School Appeal Commission may reject an appeal

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532 submission for failure to comply with procedural rules governing
533 the appeals process. The rejection shall describe the submission
534 errors. The appellant may have up to 15 calendar days from
535 notice of rejection to resubmit an appeal that meets
536 requirements of State Board of Education rule. An application
537 for appeal submitted subsequent to such rejection shall be
538 considered timely if the original appeal was filed within 30
539 calendar days after receipt of notice of the specific reasons
540 for the sponsor's ~~district school board's~~ denial of the charter
541 application. The State Board of Education shall remand the
542 application to the sponsor ~~district school board~~ with its
543 written decision that the sponsor ~~district school board~~ approve
544 or deny the application. The sponsor ~~district school board~~ shall
545 implement the decision of the State Board of Education. The
546 decision of the State Board of Education is not subject to the
547 provisions of the Administrative Procedure Act, chapter 120.

548 (e) The sponsor ~~district school board~~ shall act upon the
549 decision of the State Board of Education within 30 calendar days
550 after it is received. The State Board of Education's decision is
551 a final action subject to judicial review in the district court
552 of appeal.

553 (f)1. A Charter School Appeal Commission is established to
554 assist the commissioner and the State Board of Education with a
555 fair and impartial review of appeals by applicants whose charter
556 applications have been denied, whose charter contracts have not
557 been renewed, or whose charter contracts have been terminated by
558 their sponsors.

559 2. The Charter School Appeal Commission may receive copies

560 of the appeal documents forwarded to the State Board of
561 Education, review the documents, gather other applicable
562 information regarding the appeal, and make a written
563 recommendation to the commissioner. The recommendation must
564 state whether the appeal should be upheld or denied and include
565 the reasons for the recommendation being offered. The
566 commissioner shall forward the recommendation to the State Board
567 of Education no later than 7 calendar days prior to the date on
568 which the appeal is to be heard. The state board must consider
569 the commission's recommendation in making its decision, but is
570 not bound by the recommendation. The decision of the Charter
571 School Appeal Commission is not subject to the provisions of the
572 Administrative Procedure Act, chapter 120.

573 3. The commissioner shall appoint the members of the
574 Charter School Appeal Commission. Members shall serve without
575 compensation but may be reimbursed for travel and per diem
576 expenses in conjunction with their service. One-half of the
577 members must represent currently operating charter schools, and
578 one-half of the members must represent sponsors ~~school~~
579 ~~districts~~. The commissioner or a named designee shall chair the
580 Charter School Appeal Commission.

581 4. The chair shall convene meetings of the commission and
582 shall ensure that the written recommendations are completed and
583 forwarded in a timely manner. In cases where the commission
584 cannot reach a decision, the chair shall make the written
585 recommendation with justification, noting that the decision was
586 rendered by the chair.

587 5. Commission members shall thoroughly review the

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588 materials presented to them from the appellant and the sponsor.
589 The commission may request information to clarify the
590 documentation presented to it. In the course of its review, the
591 commission may facilitate the postponement of an appeal in those
592 cases where additional time and communication may negate the
593 need for a formal appeal and both parties agree, in writing, to
594 postpone the appeal to the State Board of Education. A new date
595 certain for the appeal shall then be set based upon the rules
596 and procedures of the State Board of Education. Commission
597 members shall provide a written recommendation to the state
598 board as to whether the appeal should be upheld or denied. A
599 fact-based justification for the recommendation must be
600 included. The chair must ensure that the written recommendation
601 is submitted to the State Board of Education members no later
602 than 7 calendar days prior to the date on which the appeal is to
603 be heard. Both parties in the case shall also be provided a copy
604 of the recommendation.

605 (7) CHARTER.--The major issues involving the operation of
606 a charter school shall be considered in advance and written into
607 the charter. The charter shall be signed by the governing body
608 of the charter school and the sponsor, following a public
609 hearing to ensure community input.

610 (b)1. A charter may be renewed provided that a program
611 review demonstrates that the criteria in paragraph (a) have been
612 successfully accomplished and that none of the grounds for
613 nonrenewal established by paragraph (8)(a) has been documented.
614 In order to facilitate long-term financing for charter school
615 construction, charter schools operating for a minimum of 2 years

616 and demonstrating exemplary academic programming and fiscal
 617 management shall receive ~~are eligible for~~ a 15-year charter
 618 renewal. Such long-term charter is subject to annual review and
 619 may be terminated during the term of the charter.

620 2. The 15-year charter renewal ~~that may be granted~~
 621 pursuant to subparagraph 1. shall be granted to a charter school
 622 that has received a school grade of "A" or "B" pursuant to s.
 623 1008.34 in 3 of the past 4 years and is not in a state of
 624 financial emergency or deficit position as defined by this
 625 section. Such long-term charter is subject to annual review and
 626 may be terminated during the term of the charter pursuant to
 627 subsection (8).

628 (c) A charter may be modified during its initial term or
 629 any renewal term upon the recommendation of the sponsor or the
 630 charter school governing board and the approval of both parties
 631 to the agreement. The terms of the charter, as agreed upon by
 632 both parties, shall be in effect for the duration of the
 633 contract.

634 (9) CHARTER SCHOOL REQUIREMENTS.--

635 (1) The governing body of the charter school shall report
 636 its progress annually to its sponsor, which shall forward the
 637 report to the Commissioner of Education at the same time as
 638 other annual school accountability reports. The Department of
 639 Education shall develop a uniform, on-line annual accountability
 640 report to be completed by charter schools. This report shall be
 641 easy to utilize and contain demographic information, student
 642 performance data, and financial accountability information. A
 643 charter school shall be allowed to directly correct school data

644 and information in the on-line accountability report. The
645 sponsor shall review the report before final submission to the
646 department ~~not be required to provide information and data that~~
647 ~~is duplicative and already in the possession of the department.~~
648 The Department of Education shall include in its compilation a
649 notation if a school failed to file its report by the deadline
650 established by the department. The report shall include at least
651 the following components:

652 1. Student achievement performance data, including the
653 information required for the annual school report and the
654 education accountability system governed by ss. 1008.31 and
655 1008.345. Charter schools are subject to the same accountability
656 requirements as other public schools, including reports of
657 student achievement information that links baseline student data
658 to the school's performance projections identified in the
659 charter. The charter school shall identify reasons for any
660 difference between projected and actual student performance.

661 2. Financial status of the charter school which must
662 include revenues and expenditures at a level of detail that
663 allows for analysis of the ability to meet financial obligations
664 and timely repayment of debt.

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

668 4. Descriptive information about the charter school's
669 personnel, including salary and benefit levels of charter school
670 employees, the proportion of instructional personnel who hold
671 professional or temporary certificates, and the proportion of

672 instructional personnel teaching in-field or out-of-field.

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

678 (b) The basis for the agreement for funding students
679 enrolled in a charter school shall be the sum of the school
680 district's operating funds from the Florida Education Finance
681 Program as provided in s. 1011.62 and the General Appropriations
682 Act, including gross state and local funds, discretionary
683 lottery funds, and funds from the school district's current
684 operating discretionary millage levy; divided by total funded
685 weighted full-time equivalent students in the school district;
686 multiplied by the weighted full-time equivalent students for the
687 charter school. Charter schools whose students or programs meet
688 the eligibility criteria in law shall be entitled to their
689 proportionate share of categorical program funds included in the
690 total funds available in the Florida Education Finance Program
691 by the Legislature, including transportation. Total funding for
692 each charter school shall be recalculated during the year to
693 reflect the revised calculations under the Florida Education
694 Finance Program by the state and the actual weighted full-time
695 equivalent students reported by the charter school during the
696 full-time equivalent student survey periods designated by the
697 Commissioner of Education. Florida Education Finance Program
698 funds for a charter school shall be distributed monthly to the
699 charter school by the sponsor within 10 days after receipt from

700 the state.

701 (c) If the sponsor ~~district school board~~ is providing
 702 programs or services to students funded by federal funds, any
 703 eligible students enrolled in charter schools in the school
 704 district shall be provided federal funds for the same level of
 705 service provided students in the schools operated by the
 706 district school board. Pursuant to provisions of 20 U.S.C. 8061
 707 s. 10306, all charter schools shall receive all federal funding
 708 for which the school is otherwise eligible, including, but not
 709 limited to, Title I funding, Individuals with Disabilities
 710 Education Act funding, and all other federal funds, not later
 711 than 5 months after the charter school first opens and within 5
 712 months after any subsequent expansion of enrollment.

713 (18) FACILITIES.--

714 (d) As a public school, a charter school is exempt from
 715 all fees and assessments, including, but not limited to, fees
 716 and assessments for building permits except as provided in s.
 717 553.80, building and occupational licenses, fire inspections,
 718 and health inspections and impact fees, service availability
 719 fees, and assessments for special benefits. Charter school
 720 ~~facilities are exempt from assessments of fees for building~~
 721 ~~permits, except as provided in s. 553.80, fees for building and~~
 722 ~~occupational licenses, and impact fees or service availability~~
 723 ~~fees.~~

724 (e) If a district school board facility or property is
 725 available because it is surplus, marked for disposal, or
 726 otherwise unused, it shall be provided for a charter school's
 727 use on the same basis as it is made available to other public

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728 | schools in the district. When a school district closes a public
729 | school, the property and facilities shall first be made
730 | available within 60 days, for lease or purchase, to charter
731 | schools within the district to be used for educational purposes.
732 | A charter school receiving property from the school district may
733 | not sell or dispose of such property without written permission
734 | of the school district. Similarly, for an existing public school
735 | converting to charter status, no rental or leasing fee for the
736 | existing facility or for the property normally inventoried to
737 | the conversion school may be charged by the district school
738 | board to the parents and teachers organizing the charter school.
739 | The charter school shall agree to reasonable maintenance
740 | provisions in order to maintain the facility in a manner similar
741 | to district school board standards. The Public Education Capital
742 | Outlay maintenance funds or any other maintenance funds
743 | generated by the facility operated as a conversion school shall
744 | remain with the conversion school.

745 | Section 3. The Legislature finds that a proper and
746 | legitimate state purpose is served when employees and retirees
747 | of the state and its political subdivisions, as well as the
748 | dependents, survivors, and beneficiaries of such employees and
749 | retirees, are extended the basic protections afforded by
750 | governmental retirement systems that provide fair and adequate
751 | benefits and that are managed, administered, and funded in an
752 | actuarially sound manner as required by s. 14, Art. X of the
753 | State Constitution and part VII of chapter 112, Florida
754 | Statutes. Therefore, the Legislature determines and declares
755 | that the amendment of s. 121.091, Florida Statutes, by this act

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756 | fulfills an important state interest.

757 | Section 4. This act shall take effect upon becoming a law.