

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; providing
 9 duty of a sponsor with respect to audits of a charter
 10 school; updating terminology; revising provisions relating
 11 to charter school renewal terms; requiring the governing
 12 body to participate in certain governance training;
 13 clarifying charter school facility fee exemptions;
 14 providing a declaration of important state interest;
 15 providing for retroactive application; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraphs (a) and (b) of subsection (13) of
 21 section 121.091, Florida Statutes, are amended to read:

22 121.091 Benefits payable under the system.--Benefits may
 23 not be paid under this section unless the member has terminated
 24 employment as provided in s. 121.021(39)(a) or begun
 25 participation in the Deferred Retirement Option Program as
 26 provided in subsection (13), and a proper application has been
 27 filed in the manner prescribed by the department. The department
 28 may cancel an application for retirement benefits when the

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

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

52 (a) Eligibility of member to participate in the DROP.--All
53 active Florida Retirement System members in a regularly
54 established position, and all active members of either the
55 Teachers' Retirement System established in chapter 238 or the
56 State and County Officers' and Employees' Retirement System

57 established in chapter 122 which systems are consolidated within
58 the Florida Retirement System under s. 121.011, are eligible to
59 elect participation in the DROP provided that:

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

66 2. Except as provided in subparagraph 6., election to
67 participate is made within 12 months immediately following the
68 date on which the member first reaches normal retirement date,
69 or, for a member who reaches normal retirement date based on
70 service before he or she reaches age 62, or age 55 for Special
71 Risk Class members, election to participate may be deferred to
72 the 12 months immediately following the date the member attains
73 57, or age 52 for Special Risk Class members. For a member who
74 first reached normal retirement date or the deferred eligibility
75 date described above prior to the effective date of this
76 section, election to participate shall be made within 12 months
77 after the effective date of this section. A member who fails to
78 make an election within such 12-month limitation period shall
79 forfeit all rights to participate in the DROP. The member shall
80 advise his or her employer and the division in writing of the
81 date on which the DROP shall begin. Such beginning date may be
82 subsequent to the 12-month election period, but must be within
83 the 60-month or, with respect to members who are instructional
84 personnel employed by the Florida School for the Deaf and the

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

113 months, the 96-month maximum participation period, the member
114 may elect to include or exclude any optional service credit
115 purchased by the member from the total service used to establish
116 the normal retirement date. A member with dual normal retirement
117 dates shall be eligible to elect to participate in DROP within
118 12 months after attaining normal retirement date in either
119 class.

120 3. The employer of a member electing to participate in the
121 DROP, or employers if dually employed, shall acknowledge in
122 writing to the division the date the member's participation in
123 the DROP begins and the date the member's employment and DROP
124 participation will terminate.

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

132 5. A DROP participant may change employers while
133 participating in the DROP, subject to the following:

134 a. A change of employment must take place without a break
135 in service so that the member receives salary for each month of
136 continuous DROP participation. If a member receives no salary
137 during a month, DROP participation shall cease unless the
138 employer verifies a continuation of the employment relationship
139 for such participant pursuant to s. 121.021(39)(b).

140 b. Such participant and new employer shall notify the

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141 division on forms required by the division as to the identity of
142 the new employer.

143 c. The new employer shall acknowledge, in writing, the
144 participant's DROP termination date, which may be extended but
145 not beyond the original 60-month or, with respect to members who
146 are instructional personnel employed by the Florida School for
147 the Deaf and the Blind and who have received authorization by
148 the Board of Trustees of the Florida School for the Deaf and the
149 Blind to participate in the DROP beyond 60 months, who are
150 charter school instructional personnel with students who are
151 funded through the Florida Education Finance Program and who
152 have received authorization from the governing board of the
153 charter school to participate in the DROP beyond 60 months, or
154 who are instructional personnel as defined in s. 1012.01(2)(a)-
155 (d) in grades K-12 or prekindergarten classroom teachers with
156 students who are funded through the Florida Education Finance
157 Program and who have received authorization by the district
158 school superintendent to participate in the DROP beyond 60
159 months, the 96-month period provided in subparagraph (b)1.,
160 shall acknowledge liability for any additional retirement
161 contributions and interest required if the participant fails to
162 timely terminate employment, and shall be subject to the
163 adjustment required in sub-subparagraph (c)5.d.

164 6. Effective July 1, 2001, for instructional personnel as
165 defined in s. 1012.01(2), election to participate in the DROP
166 shall be made at any time following the date on which the member
167 first reaches normal retirement date. The member shall advise
168 his or her employer and the division in writing of the date on

169 | which the Deferred Retirement Option Program shall begin. When
 170 | establishing eligibility of the member to participate in the
 171 | DROP for the 60-month or, with respect to members who are
 172 | instructional personnel employed by the Florida School for the
 173 | Deaf and the Blind and who have received authorization by the
 174 | Board of Trustees of the Florida School for the Deaf and the
 175 | Blind to participate in the DROP beyond 60 months, who are
 176 | charter school instructional personnel with students who are
 177 | funded through the Florida Education Finance Program and who
 178 | have received authorization from the governing board of the
 179 | charter school to participate in the DROP beyond 60 months, or
 180 | who are instructional personnel as defined in s. 1012.01(2)(a)-
 181 | (d) in grades K-12 or prekindergarten classroom teachers with
 182 | students who are funded through the Florida Education Finance
 183 | Program and who have received authorization by the district
 184 | school superintendent to participate in the DROP beyond 60
 185 | months, the 96-month maximum participation period, as provided
 186 | in subparagraph (b)1., the member may elect to include or
 187 | exclude any optional service credit purchased by the member from
 188 | the total service used to establish the normal retirement date.
 189 | A member with dual normal retirement dates shall be eligible to
 190 | elect to participate in either class.

191 | (b) Participation in the DROP.--

192 | 1. An eligible member may elect to participate in the DROP
 193 | for a period not to exceed a maximum of 60 calendar months or,
 194 | with respect to members who are instructional personnel employed
 195 | by the Florida School for the Deaf and the Blind and who have
 196 | received authorization by the Board of Trustees of the Florida

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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225 classroom teachers with students who are funded through the
226 Florida Education Finance Program and who have received
227 authorization by the district school superintendent to
228 participate in the DROP beyond 60 calendar months, 96 calendar
229 months immediately following the effective date of the DROP,
230 except a member of the Special Risk Class who has reached normal
231 retirement date prior to the effective date of the DROP and
232 whose total accrued value exceeds 75 percent of average final
233 compensation as of his or her effective date of retirement shall
234 be eligible to participate in the DROP for no more than 36
235 calendar months immediately following the effective date of the
236 DROP.

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

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

240 b. Selection of the DROP participation and termination
241 dates, which satisfy the limitations stated in paragraph (a) and
242 subparagraph 1. Such termination date shall be in a binding
243 letter of resignation with the employer, establishing a deferred
244 termination date. The member may change the termination date
245 within the limitations of subparagraph 1., but only with the
246 written approval of his or her employer;

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

249 d. Any other information required by the division.

250 3. The DROP participant shall be a retiree under the
251 Florida Retirement System for all purposes, except for paragraph
252 (5) (f) and subsection (9) and ss. 112.3173, 112.363, 121.053,

253 and 121.122. However, participation in the DROP does not alter
254 the participant's employment status and such employee shall not
255 be deemed retired from employment until his or her deferred
256 resignation is effective and termination occurs as provided in
257 s. 121.021(39).

258 4. Elected officers shall be eligible to participate in
259 the DROP subject to the following:

260 a. An elected officer who reaches normal retirement date
261 during a term of office may defer the election to participate in
262 the DROP until the next succeeding term in that office. Such
263 elected officer who exercises this option may participate in the
264 DROP for up to 60 calendar months or a period of no longer than
265 such succeeding term of office, whichever is less.

266 b. An elected or a nonelected participant may run for a
267 term of office while participating in DROP and, if elected,
268 extend the DROP termination date accordingly, except, however,
269 if such additional term of office exceeds the 60-month
270 limitation established in subparagraph 1., and the officer does
271 not resign from office within such 60-month limitation, the
272 retirement and the participant's DROP shall be null and void as
273 provided in sub-subparagraph (c)5.d.

274 c. An elected officer who is dually employed and elects to
275 participate in DROP shall be required to satisfy the definition
276 of termination within the 60-month or, with respect to members
277 who are instructional personnel employed by the Florida School
278 for the Deaf and the Blind and who have received authorization
279 by the Board of Trustees of the Florida School for the Deaf and
280 the Blind to participate in the DROP beyond 60 months, who are

281 charter school instructional personnel with students who are
 282 funded through the Florida Education Finance Program and who
 283 have received authorization from the governing board of the
 284 charter school to participate in the DROP beyond 60 months, or
 285 who are instructional personnel as defined in s. 1012.01(2)(a)-
 286 (d) in grades K-12 or prekindergarten classroom teachers with
 287 students who are funded through the Florida Education Finance
 288 Program and who have received authorization by the district
 289 school superintendent to participate in the DROP beyond 60
 290 months, the 96-month limitation period as provided in
 291 subparagraph 1. for the nonelected position and may continue
 292 employment as an elected officer as provided in s. 121.053. The
 293 elected officer will be enrolled as a renewed member in the
 294 Elected Officers' Class or the Regular Class, as provided in ss.
 295 121.053 and 121.122, on the first day of the month after
 296 termination of employment in the nonelected position and
 297 termination of DROP. Distribution of the DROP benefits shall be
 298 made as provided in paragraph (c).

299 Section 2. Paragraph (b) of subsection (5), paragraphs
 300 (b), (c), (e), and (f) of subsection (6), paragraph (b) of
 301 subsection (7), paragraph (k) of subsection (9), and paragraph
 302 (d) of subsection (18) of section 1002.33, Florida Statutes, are
 303 amended to read:

304 1002.33 Charter schools.--

305 (5) SPONSOR; DUTIES.--

306 (b) Sponsor duties.--

307 1.a. The sponsor shall monitor and review the charter
 308 school in its progress toward the goals established in the

309 charter.

310 b. The sponsor shall monitor the revenues and expenditures
311 of the charter school.

312 c. The sponsor may approve a charter for a charter school
313 before the applicant has secured space, equipment, or personnel,
314 if the applicant indicates approval is necessary for it to raise
315 working funds.

316 d. The sponsor's policies shall not apply to a charter
317 school unless mutually agreed to by both the sponsor and the
318 charter school.

319 e. The sponsor shall ensure that the charter is innovative
320 and consistent with the state education goals established by s.
321 1000.03(5).

322 f. The sponsor shall ensure that the charter school
323 participates in the state's education accountability system. If
324 a charter school falls short of performance measures included in
325 the approved charter, the sponsor shall report such shortcomings
326 to the Department of Education.

327 g. The sponsor shall not be liable for civil damages under
328 state law for personal injury, property damage, or death
329 resulting from an act or omission of an officer, employee,
330 agent, or governing body of the charter school.

331 h. The sponsor shall not be liable for civil damages under
332 state law for any employment actions taken by an officer,
333 employee, agent, or governing body of the charter school.

334 i. The sponsor's duties to monitor the charter school
335 shall not constitute the basis for a private cause of action.

336 j. The sponsor shall not impose additional reporting

337 requirements on a charter school without providing reasonable
338 and specific justification in writing to the charter school.

339 k. The sponsor shall provide a copy of all internal audit
340 findings and reports to the charter school in a fair and timely
341 manner. The charter school shall be given 14 days to respond in
342 writing to the sponsor before any action is taken by the
343 sponsor.

344 2. Immunity for the sponsor of a charter school under
345 subparagraph 1. applies only with respect to acts or omissions
346 not under the sponsor's direct authority as described in this
347 section.

348 3. Nothing contained in this paragraph shall be considered
349 a waiver of sovereign immunity by a district school board.

350 4. A community college may work with the school district
351 or school districts in its designated service area to develop
352 charter schools that offer secondary education. These charter
353 schools must include an option for students to receive an
354 associate degree upon high school graduation. District school
355 boards shall cooperate with and assist the community college on
356 the charter application. Community college applications for
357 charter schools are not subject to the time deadlines outlined
358 in subsection (6) and may be approved by the district school
359 board at any time during the year. Community colleges shall not
360 report FTE for any students who receive FTE funding through the
361 Florida Education Finance Program.

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

364 (b) A sponsor ~~district school board~~ shall receive and

365 review all applications for a charter school. Beginning with the
366 2007-2008 school year, a sponsor ~~district school board~~ shall
367 receive and consider charter school applications received on or
368 before August 1 of each calendar year for charter schools to be
369 opened at the beginning of the school district's next school
370 year, or to be opened at a time agreed to by the applicant and
371 the sponsor ~~district school board~~. A sponsor ~~district school~~
372 ~~board~~ may receive applications later than this date if it
373 chooses. A sponsor may not charge an applicant for a charter any
374 fee for the processing or consideration of an application, and a
375 sponsor may not base its consideration or approval of an
376 application upon the promise of future payment of any kind.

377 1. In order to facilitate an accurate budget projection
378 process, a sponsor ~~district school board~~ shall be held harmless
379 for FTE students who are not included in the FTE projection due
380 to approval of charter school applications after the FTE
381 projection deadline. In a further effort to facilitate an
382 accurate budget projection, within 15 calendar days after
383 receipt of a charter school application, a ~~district school board~~
384 ~~or other~~ sponsor shall report to the Department of Education the
385 name of the applicant entity, the proposed charter school
386 location, and its projected FTE.

387 2. In order to ensure fiscal responsibility, an
388 application for a charter school shall include a full accounting
389 of expected assets, a projection of expected sources and amounts
390 of income, including income derived from projected student
391 enrollments and from community support, and an expense
392 projection that includes full accounting of the costs of

393 operation, including start-up costs.

394 3. A sponsor ~~district school board~~ shall by a majority
395 vote approve or deny an application no later than 60 calendar
396 days after the application is received, unless the sponsor
397 ~~district school board~~ and the applicant mutually agree in
398 writing to temporarily postpone the vote to a specific date, at
399 which time the sponsor ~~district school board~~ shall by a majority
400 vote approve or deny the application. If the sponsor ~~district~~
401 ~~school board~~ fails to act on the application, an applicant may
402 appeal to the State Board of Education as provided in paragraph
403 (c). If an application is denied, the sponsor ~~district school~~
404 ~~board~~ shall, within 10 calendar days, articulate in writing the
405 specific reasons, based upon good cause, supporting ~~for~~ its
406 denial of the charter application and shall provide the letter
407 of denial and supporting documentation to the applicant and to
408 the Department of Education supporting those reasons.

409 4. For budget projection purposes, the ~~district school~~
410 ~~board or other~~ sponsor shall report to the Department of
411 Education the approval or denial of a charter application within
412 10 calendar days after such approval or denial. In the event of
413 approval, the report to the Department of Education shall
414 include the final projected FTE for the approved charter school.

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

419 (c) An applicant may appeal any denial of that applicant's
420 application or failure to act on an application to the State

421 Board of Education no later than 30 calendar days after receipt
422 of the sponsor's ~~district school board's~~ decision or failure to
423 act and shall notify the sponsor ~~district school board~~ of its
424 appeal. Any response of the sponsor ~~district school board~~ shall
425 be submitted to the State Board of Education within 30 calendar
426 days after notification of the appeal. Upon receipt of
427 notification from the State Board of Education that a charter
428 school applicant is filing an appeal, the Commissioner of
429 Education shall convene a meeting of the Charter School Appeal
430 Commission to study and make recommendations to the State Board
431 of Education regarding its pending decision about the appeal.
432 The commission shall forward its recommendation to the state
433 board no later than 7 calendar days prior to the date on which
434 the appeal is to be heard. The State Board of Education shall by
435 majority vote accept or reject the decision of the sponsor
436 ~~district school board~~ no later than 90 calendar days after an
437 appeal is filed in accordance with State Board of Education
438 rule. The Charter School Appeal Commission may reject an appeal
439 submission for failure to comply with procedural rules governing
440 the appeals process. The rejection shall describe the submission
441 errors. The appellant may have up to 15 calendar days from
442 notice of rejection to resubmit an appeal that meets
443 requirements of State Board of Education rule. An application
444 for appeal submitted subsequent to such rejection shall be
445 considered timely if the original appeal was filed within 30
446 calendar days after receipt of notice of the specific reasons
447 for the sponsor's ~~district school board's~~ denial of the charter
448 application. The State Board of Education shall remand the

449 application to the sponsor ~~district school board~~ with its
450 written decision that the sponsor ~~district school board~~ approve
451 or deny the application. The sponsor ~~district school board~~ shall
452 implement the decision of the State Board of Education. The
453 decision of the State Board of Education is not subject to the
454 provisions of the Administrative Procedure Act, chapter 120.

455 (e) The sponsor ~~district school board~~ shall act upon the
456 decision of the State Board of Education within 30 calendar days
457 after it is received. The State Board of Education's decision is
458 a final action subject to judicial review in the district court
459 of appeal.

460 (f)1. A Charter School Appeal Commission is established to
461 assist the commissioner and the State Board of Education with a
462 fair and impartial review of appeals by applicants whose charter
463 applications have been denied, whose charter contracts have not
464 been renewed, or whose charter contracts have been terminated by
465 their sponsors.

466 2. The Charter School Appeal Commission may receive copies
467 of the appeal documents forwarded to the State Board of
468 Education, review the documents, gather other applicable
469 information regarding the appeal, and make a written
470 recommendation to the commissioner. The recommendation must
471 state whether the appeal should be upheld or denied and include
472 the reasons for the recommendation being offered. The
473 commissioner shall forward the recommendation to the State Board
474 of Education no later than 7 calendar days prior to the date on
475 which the appeal is to be heard. The state board must consider
476 the commission's recommendation in making its decision, but is

477 not bound by the recommendation. The decision of the Charter
478 School Appeal Commission is not subject to the provisions of the
479 Administrative Procedure Act, chapter 120.

480 3. The commissioner shall appoint the members of the
481 Charter School Appeal Commission. Members shall serve without
482 compensation but may be reimbursed for travel and per diem
483 expenses in conjunction with their service. One-half of the
484 members must represent currently operating charter schools, and
485 one-half of the members must represent sponsors ~~school~~
486 ~~districts~~. The commissioner or a named designee shall chair the
487 Charter School Appeal Commission.

488 4. The chair shall convene meetings of the commission and
489 shall ensure that the written recommendations are completed and
490 forwarded in a timely manner. In cases where the commission
491 cannot reach a decision, the chair shall make the written
492 recommendation with justification, noting that the decision was
493 rendered by the chair.

494 5. Commission members shall thoroughly review the
495 materials presented to them from the appellant and the sponsor.
496 The commission may request information to clarify the
497 documentation presented to it. In the course of its review, the
498 commission may facilitate the postponement of an appeal in those
499 cases where additional time and communication may negate the
500 need for a formal appeal and both parties agree, in writing, to
501 postpone the appeal to the State Board of Education. A new date
502 certain for the appeal shall then be set based upon the rules
503 and procedures of the State Board of Education. Commission
504 members shall provide a written recommendation to the state

505 board as to whether the appeal should be upheld or denied. A
506 fact-based justification for the recommendation must be
507 included. The chair must ensure that the written recommendation
508 is submitted to the State Board of Education members no later
509 than 7 calendar days prior to the date on which the appeal is to
510 be heard. Both parties in the case shall also be provided a copy
511 of the recommendation.

512 (7) CHARTER.--The major issues involving the operation of
513 a charter school shall be considered in advance and written into
514 the charter. The charter shall be signed by the governing body
515 of the charter school and the sponsor, following a public
516 hearing to ensure community input.

517 (b)1. A charter may be renewed provided that a program
518 review demonstrates that the criteria in paragraph (a) have been
519 successfully accomplished and that none of the grounds for
520 nonrenewal established by paragraph (8)(a) has been documented.
521 In order to facilitate long-term financing for charter school
522 construction, charter schools operating for a minimum of 3 ~~2~~
523 years and demonstrating exemplary academic programming and
524 fiscal management shall receive ~~are eligible for~~ a 15-year
525 charter renewal. Such long-term charter is subject to annual
526 review and may be terminated during the term of the charter.

527 2. The 15-year charter renewal ~~that may be granted~~
528 pursuant to subparagraph 1. shall be granted to a charter school
529 that has received a school grade of "A" or "B" pursuant to s.
530 1008.34 in 3 of the past 4 years and is not in a state of
531 financial emergency or deficit position as defined by this
532 section. Such long-term charter is subject to annual review and

533 may be terminated during the term of the charter pursuant to
 534 subsection (8).

535 (9) CHARTER SCHOOL REQUIREMENTS.--

536 (k) The governing body of the charter school shall be
 537 responsible for:

538 1. Ensuring that the charter school has retained the
 539 services of a certified public accountant or auditor for the
 540 annual financial audit, pursuant to paragraph (g), who shall
 541 submit the report to the governing body.

542 2. Reviewing and approving the audit report, including
 543 audit findings and recommendations for the financial recovery
 544 plan.

545 3. Monitoring a financial recovery plan in order to ensure
 546 compliance.

547 4. Participating in board governance training approved by
 548 the department that must include government in the sunshine,
 549 conflicts of interest, ethics, and financial responsibility.

550 (18) FACILITIES.--

551 (d) Charter school facilities are exempt from assessments
 552 of fees for building permits, except as provided in s. 553.80,
 553 fees for building and occupational licenses, ~~and~~ impact fees, or
 554 service availability fees, and assessments for special benefits.

555 Section 3. The Legislature finds that a proper and
 556 legitimate state purpose is served when employees and retirees
 557 of the state and its political subdivisions, as well as the
 558 dependents, survivors, and beneficiaries of such employees and
 559 retirees, are extended the basic protections afforded by
 560 governmental retirement systems that provide fair and adequate

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561 benefits and that are managed, administered, and funded in an
562 actuarially sound manner as required by s. 14, Art. X of the
563 State Constitution and part VII of chapter 112, Florida
564 Statutes. Therefore, the Legislature determines and declares
565 that the amendment of s. 121.091, Florida Statutes, by this act
566 fulfills an important state interest.

567 Section 4. This act shall take effect upon becoming a law
568 except that the amendment to s. 1002.33(18)(d), Florida
569 Statutes, by this act shall apply retroactively to July 1, 1996.