

HB 1259

2008

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; deleting
8 an obsolete provision; amending s. 1002.33, F.S.; revising
9 provisions relating to appeal of a charter school
10 application denial; revising provisions relating to
11 charter school renewal terms; revising provisions relating
12 to a charter school's annual report; revising provisions
13 relating to student eligibility to attend a charter
14 school; providing requirements for distribution of funds
15 to charter schools; providing priority to charter schools
16 for the lease or purchase of public school property and
17 facilities; requiring a sponsor to provide additional
18 services relating to school lunches under the federal
19 lunch program; amending s. 1003.03, F.S.; providing for
20 calculation for compliance with class size maximums for
21 certain schools and programs; amending s. 1011.71, F.S.,
22 relating to district school tax; providing that use of
23 capital improvement millage for district schools include
24 charter schools; amending s. 1013.62, F.S.; authorizing
25 additional uses for charter school capital outlay funds;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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

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29

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

32 121.091 Benefits payable under the system.--Benefits may
33 not be paid under this section unless the member has terminated
34 employment as provided in s. 121.021(39) (a) or begun
35 participation in the Deferred Retirement Option Program as
36 provided in subsection (13), and a proper application has been
37 filed in the manner prescribed by the department. The department
38 may cancel an application for retirement benefits when the
39 member or beneficiary fails to timely provide the information
40 and documents required by this chapter and the department's
41 rules. The department shall adopt rules establishing procedures
42 for application for retirement benefits and for the cancellation
43 of such application when the required information or documents
44 are not received.

45 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
46 subject to the provisions of this section, the Deferred
47 Retirement Option Program, hereinafter referred to as the DROP,
48 is a program under which an eligible member of the Florida
49 Retirement System may elect to participate, deferring receipt of
50 retirement benefits while continuing employment with his or her
51 Florida Retirement System employer. The deferred monthly
52 benefits shall accrue in the System Trust Fund on behalf of the
53 participant, plus interest compounded monthly, for the specified
54 period of the DROP participation, as provided in paragraph (c).
55 Upon termination of employment, the participant shall receive
56 the total DROP benefits and begin to receive the previously

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57 | determined normal retirement benefits. Participation in the DROP
58 | does not guarantee employment for the specified period of DROP.
59 | Participation in the DROP by an eligible member beyond the
60 | initial 60-month period as authorized in this subsection shall
61 | be on an annual contractual basis for all participants.

62 | (a) Eligibility of member to participate in the DROP.--All
63 | active Florida Retirement System members in a regularly
64 | established position, and all active members of ~~either~~ the
65 | Teachers' Retirement System established in chapter 238 or the
66 | State and County Officers' and Employees' Retirement System
67 | established in chapter 122, which systems are consolidated
68 | within the Florida Retirement System under s. 121.011, are
69 | eligible to elect participation in the DROP if provided that:

70 | 1. The member is not a renewed member of the Florida
71 | Retirement System under s. 121.122, or a member of the State
72 | Community College System Optional Retirement Program under s.
73 | 121.051, the Senior Management Service Optional Annuity Program
74 | under s. 121.055, or the optional retirement program for the
75 | State University System under s. 121.35.

76 | 2. Except as provided in subparagraph 6., election to
77 | participate is made within 12 months immediately following the
78 | date on which the member first reaches normal retirement date,
79 | or, for a member who reaches normal retirement date ~~based on~~
80 | ~~service~~ before he or she reaches age 62, or age 55 for Special
81 | Risk Class members, election to participate may be deferred to
82 | the 12 months immediately following the date the member attains
83 | 57, or age 52 for Special Risk Class members. ~~For a member who~~
84 | ~~first reached normal retirement date or the deferred eligibility~~

85 ~~date described above prior to the effective date of this~~
 86 ~~section, election to participate shall be made within 12 months~~
 87 ~~after the effective date of this section.~~ A member who fails to
 88 make an election within the ~~such~~ 12-month limitation period
 89 shall forfeit all rights to participate in the DROP. The member
 90 shall advise his or her employer and the division in writing of
 91 the date on which the DROP shall begin. The ~~Such~~ beginning date
 92 may be subsequent to the 12-month election period, but must be
 93 within the 60-month or, ~~with respect to members who are~~
 94 ~~instructional personnel employed by the Florida School for the~~
 95 ~~Deaf and the Blind and who have received authorization by the~~
 96 ~~Board of Trustees of the Florida School for the Deaf and the~~
 97 ~~Blind to participate in the DROP beyond 60 months, or who are~~
 98 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
 99 ~~grades K-12 and who have received authorization by the district~~
 100 ~~school superintendent to participate in the DROP beyond 60~~
 101 ~~months, the 96-month maximum participation limitation period as~~
 102 ~~provided in subparagraph (b)1. When establishing eligibility of~~
 103 ~~the member to participate in the DROP for the 60-month or, with~~
 104 ~~respect to members who are instructional personnel employed by~~
 105 ~~the Florida School for the Deaf and the Blind and who have~~
 106 ~~received authorization by the Board of Trustees of the Florida~~
 107 ~~School for the Deaf and the Blind to participate in the DROP~~
 108 ~~beyond 60 months, or who are instructional personnel as defined~~
 109 ~~in s. 1012.01(2)(a)-(d) in grades K-12 and who have received~~
 110 ~~authorization by the district school superintendent to~~
 111 ~~participate in the DROP beyond 60 months, the 96-month maximum~~
 112 ~~participation period, the member may elect to include or exclude~~

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113 any optional service credit purchased by the member from the
114 total service used to establish the normal retirement date. A
115 member with dual normal retirement dates is ~~shall be~~ eligible to
116 elect to participate in DROP within 12 months after attaining
117 normal retirement date in either class.

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

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

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

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

138 b. Such participant and new employer shall notify the
139 division of the identity of the new employer on forms required
140 by the division ~~as to the identity of the new employer.~~

141 c. The new employer shall acknowledge, in writing, the
 142 participant's DROP termination date, which may be extended but
 143 not beyond the original 60-month or, ~~with respect to members who~~
 144 ~~are instructional personnel employed by the Florida School for~~
 145 ~~the Deaf and the Blind and who have received authorization by~~
 146 ~~the Board of Trustees of the Florida School for the Deaf and the~~
 147 ~~Blind to participate in the DROP beyond 60 months, or who are~~
 148 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
 149 ~~grades K-12 and who have received authorization by the district~~
 150 ~~school superintendent to participate in the DROP beyond 60~~
 151 ~~months, the 96-month maximum participation period provided in~~
 152 subparagraph (b)1., shall acknowledge liability for any
 153 additional retirement contributions and interest required if the
 154 participant fails to timely terminate employment, and shall be
 155 subject to the adjustment required in sub-subparagraph (c)5.d.

156 6. Effective July 1, 2001, for instructional personnel as
 157 defined in s. 1012.01 ~~s. 1012.01(2)~~, election to participate in
 158 the DROP may ~~shall~~ be made at any time following the date on
 159 which the member first reaches normal retirement date. The
 160 member shall advise his or her employer and the division in
 161 writing of the date on which the DROP ~~Deferred Retirement Option~~
 162 ~~Program~~ shall begin. When establishing eligibility of the member
 163 to participate in the DROP for the 60-month or, ~~with respect to~~
 164 ~~members who are instructional personnel employed by the Florida~~
 165 ~~School for the Deaf and the Blind and who have received~~
 166 ~~authorization by the Board of Trustees of the Florida School for~~
 167 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
 168 ~~months, or who are instructional personnel as defined in s.~~

169 ~~1012.01(2)(a)-(d) in grades K-12 and who have received~~
 170 ~~authorization by the district school superintendent to~~
 171 ~~participate in the DROP beyond 60 months,~~ the 96-month maximum
 172 participation period, as provided in subparagraph (b)1., the
 173 member may elect to include or exclude any optional service
 174 credit purchased by the member from the total service used to
 175 establish the normal retirement date. A member with dual normal
 176 retirement dates is ~~shall be~~ eligible to elect to participate in
 177 either class.

178 (b) Participation in the DROP.--

179 1. An eligible member may elect to participate in the DROP
 180 for a period not to exceed a maximum of 60 calendar months or,
 181 with respect to members who are instructional personnel employed
 182 by the Florida School for the Deaf and the Blind and who have
 183 received authorization by the Board of Trustees of the Florida
 184 School for the Deaf and the Blind to participate in the DROP
 185 beyond 60 months, ~~or~~ who are instructional personnel as defined
 186 in s. 1012.01(2)(a)-(d) in prekindergarten through grade 12 who
 187 are funded through the Florida Education Finance Program and
 188 employed by a public school grades K-12 and who have received
 189 authorization by the district school superintendent to
 190 participate in the DROP beyond 60 calendar months, or who are
 191 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
 192 prekindergarten through grade 12 who are funded through the
 193 Florida Education Finance Program and employed by a charter
 194 school and who have received authorization from the governing
 195 board of the charter school to participate in the DROP beyond 60
 196 calendar months, 96 calendar months immediately following the

197 date on which the member first reaches his or her normal
 198 retirement date or the date to which he or she is eligible to
 199 defer his or her election to participate as provided in
 200 subparagraph (a)2. However, a member who has reached normal
 201 retirement date prior to the effective date of the DROP is shall
 202 ~~be~~ eligible to participate in the DROP for up to ~~for a period of~~
 203 ~~time not to exceed~~ 60 calendar months or, ~~with respect to~~
 204 ~~members who are instructional personnel employed by the Florida~~
 205 ~~School for the Deaf and the Blind and who have received~~
 206 ~~authorization by the Board of Trustees of the Florida School for~~
 207 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
 208 ~~months, or who are instructional personnel as defined in s.~~
 209 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~
 210 ~~authorization by the district school superintendent to~~
 211 ~~participate in the DROP beyond 60 calendar months, 96 calendar~~
 212 ~~months, as appropriate, immediately following the effective date~~
 213 ~~of the DROP, except that~~ a member of the Special Risk Class who
 214 has reached normal retirement date prior to the effective date
 215 of the DROP and whose total accrued value exceeds 75 percent of
 216 average final compensation as of his or her effective date of
 217 retirement may shall be eligible to participate in the DROP for
 218 no more than 36 calendar months immediately following the
 219 effective date of the DROP.

- 220 2. Upon deciding to participate in the DROP, the member
 221 shall submit, on forms required by the division:
- 222 a. A written election to participate in the DROP;
 - 223 b. Selection of the DROP participation and termination
 - 224 dates, which satisfy the limitations stated in paragraph (a) and

225 subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be in a
226 binding letter of resignation to ~~with~~ the employer, establishing
227 a deferred termination date. The member may change the
228 termination date within the limitations of subparagraph 1., but
229 only with the written approval of the ~~his or her~~ employer;

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

232 d. Any other information required by the division.

233 3. The DROP participant shall be a retiree under the
234 Florida Retirement System for all purposes, except for paragraph
235 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
236 and 121.122. However, participation in the DROP does not alter
237 the participant's employment status and the member is ~~such~~
238 ~~employee shall~~ not be deemed retired from employment until his
239 or her deferred resignation is effective and termination occurs
240 as provided in s. 121.021(39).

241 4. Elected officers shall be eligible to participate in
242 the DROP subject to the following:

243 a. An elected officer who reaches normal retirement date
244 during a term of office may defer the election to participate in
245 the DROP until the next succeeding term in that office. An ~~Such~~
246 elected officer who exercises this option may participate in the
247 DROP for up to 60 calendar months or for a period of no longer
248 than the ~~such~~ succeeding term of office, whichever is less.

249 b. An elected or a nonelected participant may run for a
250 term of office while participating in DROP and, if elected,
251 extend the DROP termination date accordingly, except that,
252 ~~however~~, if such additional term of office exceeds the 60-month

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253 limitation established in subparagraph 1., and the officer does
254 not resign from office within the ~~such~~ 60-month limitation, the
255 retirement and the participant's DROP shall be null and void as
256 provided in sub-subparagraph (c)5.d.

257 c. An elected officer who is dually employed and elects to
258 participate in DROP shall be required to satisfy the definition
259 of termination within the 60-month or, ~~with respect to members~~
260 ~~who are instructional personnel employed by the Florida School~~
261 ~~for the Deaf and the Blind and who have received authorization~~
262 ~~by the Board of Trustees of the Florida School for the Deaf and~~
263 ~~the Blind to participate in the DROP beyond 60 months, or who~~
264 ~~are instructional personnel as defined in s. 1012.01(2)(a)-(d)~~
265 ~~in grades K-12 and who have received authorization by the~~
266 ~~district school superintendent to participate in the DROP beyond~~
267 ~~60 months, the 96-month maximum participation limitation period~~
268 as provided in subparagraph 1. for the nonelected position and
269 may continue employment as an elected officer as provided in s.
270 121.053. The elected officer shall ~~will~~ be enrolled as a renewed
271 member in the Elected Officers' Class or the Regular Class, as
272 provided in ss. 121.053 and 121.122, on the first day of the
273 month after termination of employment in the nonelected position
274 and termination of DROP. Distribution of the DROP benefits shall
275 be made as provided in paragraph (c).

276 Section 2. Paragraph (d) of subsection (6), paragraph (b)
277 of subsection (7), paragraph (1) of subsection (9), paragraph
278 (a) of subsection (10), paragraphs (b) and (c) of subsection
279 (17), paragraph (e) of subsection (18), and paragraph (a) of

280 subsection (20) of section 1002.33, Florida Statutes, are
 281 amended to read:

282 1002.33 Charter schools.--

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

285 (d) For charter school applications in school districts
 286 that have not been granted exclusive authority to sponsor
 287 charter schools pursuant to s. 1002.335(5), the right to appeal
 288 an application denial under paragraph (c) shall be contingent on
 289 the applicant having submitted the same or a substantially
 290 similar application to the district school board and the Florida
 291 Schools of Excellence Commission or one of its cosponsors. Any
 292 such applicant whose application is denied by the commission or
 293 one of its cosponsors and ~~subsequent to its denial~~ by the
 294 district school board may exercise its right to appeal the
 295 district school board's denial under paragraph (c) within 30
 296 days after receipt of the commission's or cosponsor's denial or
 297 failure to act on the application. However, the applicant
 298 forfeits its right to appeal under paragraph (c) if it fails to
 299 submit its application to the commission or one of its
 300 cosponsors by August 1 of the school year immediately following
 301 the district school board's denial of the application.

302 (7) CHARTER.--The major issues involving the operation of
 303 a charter school shall be considered in advance and written into
 304 the charter. The charter shall be signed by the governing body
 305 of the charter school and the sponsor, following a public
 306 hearing to ensure community input.

307 (b)~~1~~. A charter may be renewed if ~~provided that~~ a program
308 review demonstrates that the criteria in paragraph (a) have been
309 successfully accomplished and that none of the grounds for
310 nonrenewal established by paragraph (8)(a) has been documented.
311 In order to facilitate long-term financing for charter school
312 construction, charter schools operating for a minimum of 3 years
313 and demonstrating exemplary academic programming and fiscal
314 management must be provided the option of ~~are eligible for~~ a 15-
315 year charter renewal. ~~A Such long term charter is subject to~~
316 ~~annual review and may be terminated during the term of the~~
317 ~~charter.~~

318 2. ~~The 15-year charter renewal~~ must be offered by a
319 sponsor ~~that may be granted pursuant to subparagraph 1. shall be~~
320 ~~granted~~ to a charter school that has received a school grade of
321 "A" or "B" pursuant to s. 1008.34 in 3 of the past 4 years and
322 is not in a state of financial emergency or deficit position as
323 defined by this section. Such long-term charter is subject to
324 annual review and may be terminated during the term of the
325 charter pursuant to subsection (8).

326 (9) CHARTER SCHOOL REQUIREMENTS.--

327 (1) The governing body of the charter school shall report
328 its progress annually to its sponsor, which shall forward the
329 report to the Commissioner of Education at the same time as
330 other annual school accountability reports. The Department of
331 Education shall develop a uniform, online annual accountability
332 report format to be completed by charter schools. This report
333 shall be easy to utilize and contain demographic information,
334 student performance data, and financial accountability

335 | information. A charter school may directly access, complete, and
 336 | correct school data and information in the online accountability
 337 | report. The sponsor shall review the report before final
 338 | submission to ~~shall not be required to provide information and~~
 339 | ~~data that is duplicative and already in the possession of the~~
 340 | department. The department ~~of Education~~ shall include in its
 341 | compilation a notation if a school failed to file its report by
 342 | the deadline established by the department. The report shall
 343 | include at least the following components:

344 | 1. Student achievement performance data, including the
 345 | information required for the annual school report and the
 346 | education accountability system governed by ss. 1008.31 and
 347 | 1008.345. Charter schools are subject to the same accountability
 348 | requirements as other public schools, including reports of
 349 | student achievement information that links baseline student data
 350 | to the school's performance projections identified in the
 351 | charter. The charter school shall identify reasons for any
 352 | difference between projected and actual student performance.

353 | 2. Financial status of the charter school which must
 354 | include revenues and expenditures at a level of detail that
 355 | allows for analysis of the school's ability to meet financial
 356 | obligations and timely repayment of debt.

357 | 3. Documentation of the facilities in current use and any
 358 | planned facilities for use by the charter school for instruction
 359 | of students, administrative functions, or investment purposes.

360 | 4. Descriptive information about the charter school's
 361 | personnel, including salary and benefit levels of charter school
 362 | employees, the proportion of instructional personnel who hold

363 professional or temporary certificates, and the proportion of
 364 instructional personnel teaching in-field or out-of-field.

365 (10) ELIGIBLE STUDENTS.--

366 (a) A charter school shall be open to any student ~~covered~~
 367 ~~in an interdistrict agreement or~~ residing in the school district
 368 in which the charter school is located; however, in the case of
 369 a charter lab school, the charter lab school shall be open to
 370 any student eligible to attend the lab school as provided in s.
 371 1002.32 or who resides in the school district in which the
 372 charter lab school is located. Any eligible student shall be
 373 allowed interdistrict transfer to attend a charter school when
 374 based on good cause. Good cause shall include, but not be
 375 limited to, geographic proximity to a charter school in a
 376 neighboring school district.

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

382 (b) The basis for the agreement for funding students
 383 enrolled in a charter school shall be the sum of the school
 384 district's operating funds from the Florida Education Finance
 385 Program as provided in s. 1011.62 and the General Appropriations
 386 Act, including gross state and local funds, discretionary
 387 lottery funds, and funds from the school district's current
 388 operating discretionary millage levy; divided by total funded
 389 weighted full-time equivalent students in the school district;
 390 multiplied by the weighted full-time equivalent students for the

391 charter school. Charter schools whose students or programs meet
 392 the eligibility criteria in law shall be entitled to their
 393 proportionate share of categorical program funds included in the
 394 total funds available in the Florida Education Finance Program
 395 by the Legislature, including transportation. Total funding for
 396 each charter school shall be recalculated during the year to
 397 reflect the revised calculations under the Florida Education
 398 Finance Program by the state and the actual weighted full-time
 399 equivalent students reported by the charter school during the
 400 full-time equivalent student survey periods designated by the
 401 Commissioner of Education. Florida Education Finance Program
 402 funds for a charter school must be distributed to the charter
 403 school by the sponsor within 10 days after receipt by the state.

404 (c) If the sponsor ~~district school board~~ is providing
 405 programs or services to students funded by federal funds, any
 406 eligible students enrolled in charter schools in the school
 407 district shall be provided federal funds for the same level of
 408 service provided students in the schools operated by the
 409 district school board. Pursuant to provisions of 20 U.S.C. 8061
 410 s. 10306, all charter schools shall receive all federal funding
 411 for which the school is otherwise eligible, including Title I
 412 funding and funding under the Individuals with Disabilities
 413 Education Act, not later than 5 months after the charter school
 414 first opens and within 5 months after any subsequent expansion
 415 of enrollment.

416 (18) FACILITIES.--

417 (e) If a district school board facility or property is
 418 available because it is surplus, marked for disposal, or

419 otherwise unused, it shall be provided for a charter school's
 420 use on the same basis as it is made available to other public
 421 schools in the district. If a school district closes a public
 422 school, the property and facilities must first be made available
 423 within 60 days, for lease or purchase, to charter schools within
 424 the district to be used for educational purposes. A charter
 425 school receiving property from the school district may not sell
 426 or dispose of such property without written permission of the
 427 school district. Similarly, for an existing public school
 428 converting to charter status, no rental or leasing fee for the
 429 existing facility or for the property normally inventoried to
 430 the conversion school may be charged by the district school
 431 board to the parents and teachers organizing the charter school.
 432 The charter school shall agree to reasonable maintenance
 433 provisions in order to maintain the facility in a manner similar
 434 to district school board standards. The Public Education Capital
 435 Outlay maintenance funds or any other maintenance funds
 436 generated by the facility operated as a conversion school shall
 437 remain with the conversion school.

438 (20) SERVICES.--

439 (a) A sponsor shall provide certain administrative and
 440 educational services to charter schools. These services shall
 441 include contract management services; full-time equivalent and
 442 data reporting services; exceptional student education
 443 administration services; services related to eligibility and
 444 reporting duties required to ensure that school lunch services
 445 under the federal lunch program, consistent with the needs of
 446 the charter school, are provided by the school district at the

447 request of the charter school, that any funds due the charter
448 school under the federal lunch program be paid to the charter
449 school as soon as the charter school begins serving food under
450 the federal lunch program, and that the charter school is paid
451 at the same time and in the same manner under the federal lunch
452 program as other public schools serviced by the sponsor or
453 school district; test administration services, including payment
454 of the costs of state-required or district-required student
455 assessments; processing of teacher certificate data services;
456 and information services, including equal access to student
457 information systems that are used by public schools in the
458 district in which the charter school is located. Student
459 performance data for each student in a charter school,
460 including, but not limited to, FCAT scores, standardized test
461 scores, previous public school student report cards, and student
462 performance measures, shall be provided by the sponsor to a
463 charter school in the same manner provided to other public
464 schools in the district. A total administrative fee for the
465 provision of such services shall be calculated based upon up to
466 5 percent of the available funds defined in paragraph (17)(b)
467 for all students. However, a sponsor may only withhold up to a
468 5-percent administrative fee for enrollment for up to and
469 including 500 students. For charter schools with a population of
470 501 or more students, the difference between the total
471 administrative fee calculation and the amount of the
472 administrative fee withheld may only be used for capital outlay
473 purposes specified in s. 1013.62(2). Sponsors shall not charge
474 charter schools any additional fees or surcharges for

475 administrative and educational services in addition to the
 476 maximum 5-percent administrative fee withheld pursuant to this
 477 paragraph.

478 Section 3. Paragraph (b) of subsection (2) of section
 479 1003.03, Florida Statutes, is amended to read:

480 1003.03 Maximum class size.--

481 (2) IMPLEMENTATION.--

482 (b) Determination of the number of students per classroom
 483 in paragraph (a) shall be calculated as follows:

484 1. For fiscal years 2003-2004 through 2005-2006, the
 485 calculation for compliance for each of the 3 grade groupings
 486 shall be the average at the district level.

487 2. For fiscal years 2006-2007 through 2007-2008, the
 488 calculation for compliance for each of the 3 grade groupings
 489 shall be the average at the school level.

490 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
 491 the calculation for compliance shall be at the individual
 492 classroom level. However, the calculation for compliance for
 493 charter schools, public school magnet programs, or other public
 494 school parental choice programs shall remain the average at the
 495 school level or program level.

496 4. For fiscal years 2006-2007 through 2009-2010 and
 497 thereafter, each teacher assigned to any classroom shall be
 498 included in the calculation for compliance.

499 Section 4. Subsection (2) of section 1011.71, Florida
 500 Statutes, is amended to read:

501 1011.71 District school tax.--

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502 (2) In addition to the maximum millage levy as provided in
503 subsection (1), each school board may levy not more than 2 mills
504 against the taxable value for school purposes for district
505 schools, including charter schools ~~at the discretion of the~~
506 ~~school board~~, to fund:

507 (a) New construction and remodeling projects, as set forth
508 in s. 1013.64(3)(b) and (6)(b) and included in the district's
509 educational plant survey pursuant to s. 1013.31, without regard
510 to prioritization, sites and site improvement or expansion to
511 new sites, existing sites, auxiliary facilities, athletic
512 facilities, or ancillary facilities.

513 (b) Maintenance, renovation, and repair of existing school
514 plants or of leased facilities to correct deficiencies pursuant
515 to s. 1013.15(2).

516 (c) The purchase, lease-purchase, or lease of school
517 buses.

518 (d) The purchase, lease-purchase, or lease of new and
519 replacement equipment.

520 (e) Payments for educational facilities and sites due
521 under a lease-purchase agreement entered into by a district
522 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
523 exceeding, in the aggregate, an amount equal to three-fourths of
524 the proceeds from the millage levied by a district school board
525 pursuant to this subsection.

526 (f) Payment of loans approved pursuant to ss. 1011.14 and
527 1011.15.

528 (g) Payment of costs directly related to complying with
529 state and federal environmental statutes, rules, and regulations
530 governing school facilities.

531 (h) Payment of costs of leasing relocatable educational
532 facilities, of renting or leasing educational facilities and
533 sites pursuant to s. 1013.15(2), or of renting or leasing
534 buildings or space within existing buildings pursuant to s.
535 1013.15(4).

536 (i) Payment of the cost of school buses when a school
537 district contracts with a private entity to provide student
538 transportation services if the district meets the requirements
539 of this paragraph.

540 1. The district's contract must require that the private
541 entity purchase, lease-purchase, or lease, and operate and
542 maintain, one or more school buses of a specific type and size
543 that meet the requirements of s. 1006.25.

544 2. Each such school bus must be used for the daily
545 transportation of public school students in the manner required
546 by the school district.

547 3. Annual payment for each such school bus may not exceed
548 10 percent of the purchase price of the state pool bid.

549 4. The proposed expenditure of the funds for this purpose
550 must have been included in the district school board's notice of
551 proposed tax for school capital outlay as provided in s.
552 200.065(10).

553 (j) Payment of the cost of the opening day collection for
554 the library media center of a new school.

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555 Section 5. Paragraph (f) is added to subsection (2) of
556 section 1013.62, Florida Statutes, to read:

557 1013.62 Charter schools capital outlay funding.--

558 (2) A charter school's governing body may use charter
559 school capital outlay funds for the following purposes:

560 (f) Any of the purposes set forth in s. 1011.71(2).

561

562 Conversion charter schools may use capital outlay funds received
563 through the reduction in the administrative fee provided in s.
564 1002.33(20) for renovation, repair, and maintenance of school
565 facilities that are owned by the sponsor.

566 Section 6. This act shall take effect July 1, 2008.