

By Senator Wise

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1 A bill to be entitled

2 An act relating to charter schools; amending s. 121.091,
3 F.S.; increasing the period of time during which certain
4 charter school instructional personnel may participate in
5 the 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.;
9 prohibiting unlawful reprisals against a charter school by
10 the school's sponsor; providing for the relief of a
11 charter school; authorizing a charter school and its
12 sponsor to mutually agree to the school's opening and
13 closing dates; revising provisions relating to charter
14 school renewal terms; revising provisions relating to the
15 charter school's annual report; providing for the monthly
16 distribution of funds to charter schools; providing
17 priority to charter schools for the lease or purchase of
18 public school property and facilities; providing a
19 declaration of important state interest; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 121.091 Benefits payable under the system.--Benefits may
27 not be paid under this section unless the member has terminated
28 employment as provided in s. 121.021(39) (a) or begun
29 participation in the Deferred Retirement Option Program as

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30 | provided in subsection (13), and a proper application has been
31 | filed in the manner prescribed by the department. The department
32 | may cancel an application for retirement benefits when the member
33 | or beneficiary fails to timely provide the information and
34 | documents required by this chapter and the department's rules.
35 | The department shall adopt rules establishing procedures for
36 | application for retirement benefits and for the cancellation of
37 | such application when the required information or documents are
38 | not received.

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

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

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

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

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

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88 ~~personnel employed by the Florida School for the Deaf and the~~
89 ~~Blind and who have received authorization by the Board of~~
90 ~~Trustees of the Florida School for the Deaf and the Blind 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 and who have received authorization by the district~~
94 ~~school superintendent to participate in the DROP beyond 60~~
95 ~~months, the 96-month maximum participation limitation period as~~
96 ~~provided in subparagraph (b)1. When establishing eligibility of~~
97 ~~the member to participate in the DROP for the 60-month or, with~~
98 ~~respect to members who are instructional personnel employed by~~
99 ~~the Florida School for the Deaf and the Blind and who have~~
100 ~~received authorization by the Board of Trustees of the Florida~~
101 ~~School for the Deaf and the Blind to participate in the DROP~~
102 ~~beyond 60 months, or who are instructional personnel as defined~~
103 ~~in s. 1012.01(2) (a) - (d) in grades K-12 and who have received~~
104 ~~authorization by the district school superintendent to~~
105 ~~participate in the DROP beyond 60 months, the 96-month maximum~~
106 ~~participation period, the member may elect to include or exclude~~
107 ~~any optional service credit purchased by the member from the~~
108 ~~total service used to establish the normal retirement date. A~~
109 ~~member with dual normal retirement dates is ~~shall be~~ eligible to~~
110 ~~elect to participate in DROP within 12 months after attaining~~
111 ~~normal retirement date in either class.~~

112 3. The employer of a member electing to participate in ~~the~~
113 ~~DROP~~, or employers if dually employed, shall acknowledge in
114 writing to the division the date the member's participation in
115 ~~the~~ DROP begins and the date the member's employment and DROP
116 participation will terminate.

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

124 5. A DROP participant may change employers while
125 participating in ~~the~~ DROP, subject to the following:

126 a. A change of employment must take place without a break
127 in service so that the member receives salary for each month of
128 continuous DROP participation. If a member receives no salary
129 during a month, DROP participation shall cease unless the
130 employer verifies a continuation of the employment relationship
131 for such participant pursuant to s. 121.021(39)(b).

132 b. Such participant and new employer shall notify the
133 division of the identity of the new employer on forms required by
134 the division ~~as to the identity of the new employer~~.

135 c. The new employer shall acknowledge, in writing, the
136 participant's DROP termination date, which may be extended but
137 not beyond the original 60-month or, ~~with respect to members who~~
138 ~~are instructional personnel employed by the Florida School for~~
139 ~~the Deaf and the Blind and who have received authorization by the~~
140 ~~Board of Trustees of the Florida School for the Deaf and the~~
141 ~~Blind to participate in the DROP beyond 60 months, or who are~~
142 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
143 ~~grades K-12 and who have received authorization by the district~~
144 ~~school superintendent to participate in the DROP beyond 60~~
145 ~~months, the~~ 96-month maximum participation period provided in

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146 subparagraph (b)1., shall acknowledge liability for any
147 additional retirement contributions and interest required if the
148 participant fails to timely terminate employment, and shall be
149 subject to the adjustment required in sub-subparagraph (c)5.d.

150 6. Effective July 1, 2001, for instructional personnel as
151 defined in s. 1012.01 ~~s. 1012.01(2)~~, election to participate in
152 ~~the~~ DROP may ~~shall~~ be made at any time following the date on
153 which the member first reaches normal retirement date. The member
154 shall advise his or her employer and the division in writing of
155 the date on which DROP ~~the Deferred Retirement Option Program~~
156 shall begin. When establishing eligibility of the member to
157 participate in ~~the~~ DROP for the 60-month or, ~~with respect to~~
158 ~~members who are instructional personnel employed by the Florida~~
159 ~~School for the Deaf and the Blind and who have received~~
160 ~~authorization by the Board of Trustees of the Florida School for~~
161 ~~the Deaf and the Blind to participate in the DROP beyond 60~~
162 ~~months, or who are instructional personnel as defined in s.~~
163 ~~1012.01(2) (a) - (d) in grades K-12 and who have received~~
164 ~~authorization by the district school superintendent to~~
165 ~~participate in the DROP beyond 60 months,~~ the 96-month maximum
166 participation period, as provided in subparagraph (b)1., the
167 member may elect to include or exclude any optional service
168 credit purchased by the member from the total service used to
169 establish the normal retirement date. A member with dual normal
170 retirement dates is ~~shall be~~ eligible to elect to participate in
171 either class.

172 (b) Participation in ~~the~~ DROP.--

173 1. An eligible member may elect to participate in ~~the~~ DROP
174 for a period not to exceed a maximum of 60 calendar months or,

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175 | with respect to members who are instructional personnel employed
176 | by the Florida School for the Deaf and the Blind and who have
177 | received authorization by the Board of Trustees of the Florida
178 | School for the Deaf and the Blind to participate in ~~the~~ DROP
179 | beyond 60 months, ~~or~~ who are instructional personnel as defined
180 | in s. 1012.01(2)(a)-(d) in prekindergarten through grade 12 who
181 | are funded through the Florida Education Finance Program and who
182 | are employed by a public school grades K-12 and who have received
183 | authorization by the district school superintendent to
184 | participate in ~~the~~ DROP beyond 60 calendar months, or who are
185 | instructional personnel as defined in s. 1012.01(2)(a)-(d) in
186 | prekindergarten through grade 12 who are funded through the
187 | Florida Education Finance Program and employed by a charter
188 | school and who have received authorization from the governing
189 | board of the charter school to participate in DROP beyond 60
190 | months, 96 calendar months immediately following the date on
191 | which the member first reaches his or her normal retirement date
192 | or the date to which he or she is eligible to defer his or her
193 | election to participate as provided in subparagraph (a)2.
194 | However, a member who has reached normal retirement date prior to
195 | the effective date of ~~the~~ DROP is ~~shall be~~ eligible to
196 | participate in ~~the~~ DROP for up to ~~for a period of time not to~~
197 | ~~exceed~~ 60 calendar months ~~or, with respect to members who are~~
198 | ~~instructional personnel employed by the Florida School for the~~
199 | ~~Deaf and the Blind and who have received authorization by the~~
200 | ~~Board of Trustees of the Florida School for the Deaf and the~~
201 | ~~Blind to participate in the DROP beyond 60 months, or who are~~
202 | ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
203 | ~~grades K-12 and who have received authorization by the district~~

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204 ~~school superintendent to participate in the DROP beyond 60~~
205 ~~calendar months,~~ 96 calendar months, as appropriate, immediately
206 following the effective date of ~~the~~ DROP, except that a member of
207 the Special Risk Class who has reached normal retirement date
208 prior to the effective date of ~~the~~ DROP and whose total accrued
209 value exceeds 75 percent of average final compensation as of his
210 or her effective date of retirement may ~~shall be eligible to~~
211 participate in ~~the~~ DROP for no more than 36 calendar months
212 immediately following the effective date of ~~the~~ DROP.

213 2. Upon deciding to participate in ~~the~~ DROP, the member
214 shall submit, on forms required by the division:

215 a. A written election to participate in ~~the~~ DROP;

216 b. Selection of ~~the~~ DROP participation and termination
217 dates, which satisfy the limitations stated in paragraph (a) and
218 subparagraph 1. The ~~Such~~ termination date must ~~shall~~ be in a
219 binding letter of resignation to ~~with~~ the employer, establishing
220 a deferred termination date. The member may change the
221 termination date within the limitations of subparagraph 1., but
222 only with the written approval of the ~~his or her~~ employer;

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

225 d. Any other information required by the division.

226 3. The DROP participant shall be a retiree under the
227 Florida Retirement System for all purposes, except for paragraph
228 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and
229 121.122. However, participation in ~~the~~ DROP does not alter the
230 participant's employment status and the member is ~~such employee~~
231 ~~shall not be~~ deemed retired from employment until his or her
232 deferred resignation is effective and termination occurs as

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233 provided in s. 121.021(39).

234 4. Elected officers shall be eligible to participate in ~~the~~
235 DROP subject to the following:

236 a. An elected officer who reaches normal retirement date
237 during a term of office may defer the election to participate in
238 ~~the~~ DROP until the next succeeding term in that office. An ~~Such~~
239 elected officer who exercises this option may participate in ~~the~~
240 DROP for up to 60 calendar months or for a period of no longer
241 than the ~~such~~ succeeding term of office, whichever is less.

242 b. An elected or a nonelected participant may run for a
243 term of office while participating in DROP and, if elected,
244 extend the DROP termination date accordingly, except that ~~r~~
245 ~~however~~, if such additional term of office exceeds the 60-month
246 limitation established in subparagraph 1., and the officer does
247 not resign from office within the ~~such~~ 60-month limitation, the
248 retirement and the participant's DROP shall be null and void as
249 provided in sub-subparagraph (c)5.d.

250 c. An elected officer who is dually employed and elects to
251 participate in DROP shall be required to satisfy the definition
252 of termination within the 60-month or, ~~with respect to members~~
253 ~~who are instructional personnel employed by the Florida School~~
254 ~~for the Deaf and the Blind and who have received authorization by~~
255 ~~the Board of Trustees of the Florida School for the Deaf and the~~
256 ~~Blind to participate in the DROP beyond 60 months, or who are~~
257 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
258 ~~grades K-12 and who have received authorization by the district~~
259 ~~school superintendent to participate in the DROP beyond 60~~
260 ~~months, the 96-month maximum participation limitation period as~~
261 provided in subparagraph 1. for the nonelected position and may

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262 continue employment as an elected officer as provided in s.
263 121.053. The elected officer shall ~~will~~ be enrolled as a renewed
264 member in the Elected Officers' Class or the Regular Class, as
265 provided in ss. 121.053 and 121.122, on the first day of the
266 month after termination of employment in the nonelected position
267 and termination of DROP. Distribution of ~~the~~ DROP benefits shall
268 be made as provided in paragraph (c).

269 Section 2. Subsections (1) and (4), paragraph (b) of
270 subsection (6), paragraphs (b) and (c) of subsection (7),
271 paragraph (1) of subsection (9), paragraphs (b) and (c) of
272 subsection (17), and paragraph (e) of subsection (18) of section
273 1002.33, Florida Statutes, are amended to read:

274 1002.33 Charter schools.--

275 (1) AUTHORIZATION.--Charter schools are established to
276 provide a flexible, innovative, and accountable education to
277 students in the state and are ~~shall be~~ part of the state's
278 program of public education. All charter schools in Florida are
279 public schools. A charter school may be formed by creating a new
280 school or converting an existing public school to charter status.
281 A public school may not use the term charter in its name unless
282 it has been approved under this section.

283 (4) UNLAWFUL REPRISAL.--

284 (a) A ~~No~~ district school board, or district school board
285 employee who has control over personnel actions, may not impose
286 an ~~shall take~~ unlawful reprisal against another district school
287 board employee because that employee is either directly or
288 indirectly involved with an application to establish a charter
289 school. With respect to a district school board or a district
290 school board employee ~~As used in this subsection,~~ the term

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291 "unlawful reprisal" means an action taken by a district school
292 board or a school system employee against an employee ~~who is~~
293 ~~directly or indirectly involved in a lawful application to~~
294 ~~establish a charter school, which occurs as a direct result of~~
295 ~~that involvement, and which results in one or more of the~~
296 following: disciplinary or corrective action; adverse transfer or
297 reassignment, whether temporary or permanent; suspension,
298 demotion, or dismissal; an unfavorable performance evaluation; a
299 reduction in pay, benefits, or rewards; elimination of the
300 employee's position absent of a reduction in workforce as a
301 result of lack of moneys or work; or other adverse significant
302 changes in duties or responsibilities that are inconsistent with
303 the employee's salary or employment classification. A sponsor or
304 a sponsor's employee may not impose an unlawful reprisal against
305 a charter school that is operating under a charter with the
306 sponsor. With respect to a sponsor or sponsor's employee, the
307 term "unlawful reprisal" means an action taken by the sponsor or
308 sponsor's employee which directly or indirectly affects the
309 operations and funding of the charter school, submission of
310 required reports, or the school's compliance with its charter.
311 The following procedures ~~shall~~ apply to an alleged unlawful
312 reprisal ~~that occurs as a consequence of an employee's direct or~~
313 ~~indirect involvement with an application to establish a charter~~
314 ~~school:~~

- 315 1. Within 60 days after the date upon which an unlawful a
316 reprisal prohibited by this subsection is alleged to have
317 occurred, an employee or school may file a complaint with the
318 Department of Education.
- 319 2. Within 3 working days after receiving a complaint ~~under~~

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320 ~~this section~~, the Department of Education shall acknowledge
321 receipt of the complaint and provide copies of the complaint and
322 any other relevant preliminary information available to each of
323 the other parties named in the complaint, which parties shall
324 each acknowledge receipt of the ~~such~~ copies to the complainant.

325 3. If the Department of Education determines that the
326 complaint demonstrates reasonable cause to suspect that an
327 unlawful reprisal has occurred, the department ~~of Education~~ shall
328 conduct an investigation to produce a fact-finding report.

329 4. Within 90 days after receiving the complaint, the
330 Department of Education shall provide the district school
331 superintendent of the complainant's district and the complainant
332 with a fact-finding report that may include recommendations to
333 the parties or a proposed resolution of the complaint. The fact-
334 finding report is ~~shall be~~ presumed admissible in any subsequent
335 or related administrative or judicial review.

336 5. If the Department of Education determines that
337 reasonable grounds exist to believe that an unlawful reprisal has
338 occurred, is occurring, or is to be taken, and is unable to
339 conciliate a complaint within 60 days after receipt of the fact-
340 finding report, the department ~~of Education~~ shall terminate the
341 investigation, ~~. Upon termination of any investigation, the~~
342 ~~Department of Education~~ shall notify the complainant and the
343 district school superintendent of the termination of the
344 investigation, and provide ~~providing~~ a written summary of
345 relevant facts found during the investigation and the reasons for
346 terminating the investigation. The A written statement ~~under this~~
347 ~~paragraph~~ is presumed admissible as evidence in any judicial or
348 administrative proceeding.

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349 6. The Department of Education shall ~~either~~ contract with
350 the Division of Administrative Hearings under s. 120.65, or
351 otherwise provide for a complaint for which the department ~~of~~
352 ~~Education~~ determines reasonable grounds exist to believe that an
353 unlawful reprisal has occurred, is occurring, or is to be taken,
354 and is unable to conciliate, to be heard by a panel of impartial
355 persons. Upon hearing the complaint, the panel shall make
356 findings of fact and conclusions of law for a final decision by
357 the department ~~of Education~~.

358
359 It shall be an affirmative defense to any action brought pursuant
360 to this section that the adverse action was predicated upon
361 grounds other than, and would have been taken absent, the
362 employee's or school's exercise of rights protected by this
363 section.

364 (b) In any action brought under this section for which it
365 is determined reasonable grounds exist to believe that an
366 unlawful reprisal against a school board employee has occurred,
367 is occurring, or is to be taken, the relief may ~~shall~~ include ~~the~~
368 ~~following~~:

369 1. Reinstatement of the employee to the same position held
370 before the unlawful reprisal was commenced, or to an equivalent
371 position, or payment of reasonable front pay as alternative
372 relief.

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

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

377 4. Payment of reasonable costs, including attorney's fees,

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378 to a substantially prevailing employee, or to the prevailing
379 employer if the employee filed a frivolous action in bad faith.

380 5. Issuance of an injunction, if appropriate, by a court of
381 competent jurisdiction.

382 6. Temporary reinstatement to the employee's former
383 position or to an equivalent position, pending the final outcome
384 of the complaint, if it is determined that the action was not
385 made in bad faith or for a wrongful purpose, and did not occur
386 after a district school board's initiation of a personnel action
387 against the employee that includes documentation of the
388 employee's violation of a disciplinary standard or performance
389 deficiency.

390 (c) In any action brought under this section where it is
391 determined that reasonable grounds exist to believe that an
392 unlawful reprisal against a charter school has occurred, is
393 occurring, or is to be taken, the relief may include:

394 1. The immediate cease and desist of the sponsor's policies
395 and practices impairing the school's operations.

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

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

400 4. Issuance of an injunction, if appropriate, by a court of
401 competent jurisdiction.

402 5. Issuance of an order granting immediate transfer of the
403 charter to an alternate charter school sponsor willing to accept
404 the transfer of charter sponsorship duties.

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

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407 (b) A sponsor shall receive and review all applications for
408 a charter school. ~~Beginning with the 2007-2008 school year,~~ A
409 sponsor must ~~shall~~ receive and consider charter school
410 applications received on or before August 1 of each calendar year
411 for charter schools to be opened at the beginning of the school
412 district's next school year, or to be opened at a time agreed to
413 by the applicant and the sponsor. A sponsor may receive
414 applications later than this date if it chooses. A charter school
415 is exempt from s. 1001.42(4)(f) and shall mutually agree with its
416 sponsor on the school's opening and closing dates. A sponsor may
417 not charge an applicant ~~for a charter~~ any fee for the processing
418 or consideration of an application, and a sponsor may not base
419 its consideration or approval of an application upon the promise
420 of future payment of any kind.

421 1. In order to facilitate an accurate budget projection
422 process, a sponsor shall be held harmless for FTE students who
423 are not included in the FTE projection due to approval of the
424 charter school application ~~applications~~ after the FTE projection
425 deadline. ~~In a further effort to facilitate an accurate budget~~
426 ~~projection,~~ Within 15 calendar days after receipt of a charter
427 school application, a sponsor shall report to the Department of
428 Education the name of the applicant entity, the proposed charter
429 school location, and its projected FTE.

430 2. In order to ensure fiscal responsibility, an application
431 for a charter school must ~~shall~~ include a full accounting of
432 expected assets, a projection of expected sources and amounts of
433 income, including income derived from projected student
434 enrollments and from community support, and an expense projection
435 that includes full accounting of the costs of operation,

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436 including start-up costs.

437 3. A sponsor shall by a majority vote approve or deny an
438 application no later than 60 calendar days after the application
439 is received, unless the sponsor and the applicant mutually agree
440 in writing to temporarily postpone the vote to a specific date,
441 at which time the sponsor shall by a majority vote approve or
442 deny the application. If the sponsor fails to act on the
443 application, an applicant may appeal to the State Board of
444 Education as provided in paragraph (c). If an application is
445 denied, the sponsor shall, within 10 calendar days, articulate in
446 writing the specific reasons, based upon good cause, supporting
447 its denial of the charter application and ~~shall~~ provide the
448 letter of denial and supporting documentation to the applicant
449 and to the Department of Education ~~supporting those reasons.~~

450 4. For budget projection purposes, the sponsor shall report
451 to the Department of Education the approval or denial of a
452 charter application within 10 calendar days after such approval
453 or denial. In the event of approval, the report to the department
454 must ~~of Education shall~~ include the final projected FTE for the
455 approved charter school.

456 5. Upon approval of a charter application, the initial
457 startup must ~~shall~~ commence with the beginning of the public
458 school calendar for the district in which the charter is granted
459 unless the sponsor allows a waiver of this provision for good
460 cause.

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

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465 ensure community input.

466 (b)~~1.~~ A charter may be renewed if provided~~that~~ a program
467 review demonstrates that the criteria in paragraph (a) have been
468 successfully accomplished and that none of the grounds for
469 nonrenewal established in ~~by~~ paragraph (8) (a) has been
470 documented. In order to facilitate long-term financing for
471 charter school construction, charter schools operating for a
472 minimum of 3 years and demonstrating exemplary academic
473 programming and fiscal management shall receive ~~are eligible for~~
474 a 15-year charter renewal. ~~Such long-term charter is subject to~~
475 ~~annual review and may be terminated during the term of the~~
476 ~~charter.~~

477 2. ~~A~~ The 15-year charter renewal ~~that may be granted~~
478 ~~pursuant to subparagraph 1.~~ shall be granted only to a charter
479 school that has received a school grade of "A" or "B" pursuant to
480 s. 1008.34 in 3 of the past 4 years and is not in a state of
481 financial emergency or deficit position as defined by this
482 section. Such long-term charter is subject to annual review and
483 may be terminated during the term of the charter pursuant to
484 subsection (8).

485 (c) A charter may be modified during its initial term or
486 any renewal term upon the recommendation of the sponsor or the
487 charter school governing board and the approval of both parties
488 to the agreement. The terms of the charter, as agreed to by all
489 parties, shall be in effect for the duration of the charter.

490 (9) CHARTER SCHOOL REQUIREMENTS.--

491 (1) The governing body of the charter school shall report
492 its progress annually to its sponsor, who ~~which~~ shall forward the
493 report to the Commissioner of Education at the same time as other

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494 annual school accountability reports. The Department of Education
495 shall develop a uniform, online annual accountability report
496 format to be completed by charter schools. This report shall be
497 easy to use ~~utilize~~ and contain demographic information, student
498 performance data, and financial accountability information. A
499 charter school may directly access, complete, and correct school
500 data and information in the online accountability report. The
501 sponsor shall review the report before final submission to ~~shall~~
502 ~~not be required to provide information and data that is~~
503 ~~duplicative and already in the possession of~~ the department. The
504 department ~~of Education~~ shall include in its compilation a
505 notation if a school failed to file its report by the deadline
506 established by the department. The report shall include at least
507 the following components:

508 1. Student achievement performance data, including the
509 information required for the annual school report and the
510 education accountability system governed by ss. 1008.31 and
511 1008.345. Charter schools are subject to the same accountability
512 requirements as other public schools, including reports of
513 student achievement information that links baseline student data
514 to the school's performance projections identified in the
515 charter. The charter school must ~~shall~~ identify reasons for any
516 difference between projected and actual student performance.

517 2. Financial status of the charter school which must
518 include revenues and expenditures at a level of detail that
519 allows for analysis of the school's ability to meet financial
520 obligations and timely repayment of debt.

521 3. Documentation of the facilities in current use and any
522 planned facilities for use by the charter school for instruction

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523 of students, administrative functions, or investment purposes.

524 4. Descriptive information about ~~the~~ charter school
525 ~~school's~~ personnel, including salary and benefit levels of
526 charter school employees, the proportion of instructional
527 personnel who hold professional or temporary certificates, and
528 the proportion of instructional personnel teaching in-field or
529 out-of-field.

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

535 (b) The basis for the agreement for funding students
536 enrolled in a charter school shall be the sum of the school
537 district's operating funds from the Florida Education Finance
538 Program as provided in s. 1011.62 and the General Appropriations
539 Act, including gross state and local funds, discretionary lottery
540 funds, and funds from the school district's current operating
541 discretionary millage levy; divided by total funded weighted
542 full-time equivalent students in the school district; multiplied
543 by the weighted full-time equivalent students for the charter
544 school. Charter schools whose students or programs meet ~~the~~
545 eligibility criteria are in law ~~shall be~~ entitled to their
546 proportionate share of categorical program funds included in the
547 total funds available in the Florida Education Finance Program by
548 the Legislature, including transportation. Total funding for each
549 charter school shall be recalculated during the year to reflect
550 ~~the~~ revised calculations under the Florida Education Finance
551 Program by the state and the actual weighted full-time equivalent

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552 students reported by the charter school during the full-time
553 equivalent student survey periods designated by the Commissioner
554 of Education. Florida Education Finance Program funds for a
555 charter school must be distributed to the charter school by the
556 sponsor within 10 days after receipt by the state.

557 (c) If the sponsor ~~district school board~~ is providing
558 programs or services to students funded by federal funds, any
559 eligible students enrolled in charter schools in the school
560 district must ~~shall~~ be provided federal funds for the same level
561 of service provided students in the schools operated by the
562 district school board. Pursuant to ~~provisions of~~ 20 U.S.C. 8061
563 s. 10306, all charter schools shall receive all federal funding
564 for which the school is otherwise eligible, including Title I
565 funding and funding under the Individuals with Disabilities
566 Education Act, not later than 5 months after the charter school
567 first opens and within 5 months after any subsequent expansion of
568 enrollment.

569 (18) FACILITIES.--

570 (e) If a district school board facility or property is
571 available because it is surplus, marked for disposal, or
572 otherwise unused, it shall be provided for a charter school's use
573 on the same basis as it is made available to other public schools
574 in the district. If a school district closes a public school, the
575 property and facilities must first be made available within 60
576 days, for lease or purchase, to charter schools within the
577 district to be used for educational purposes. A charter school
578 receiving property from the school district may not sell or
579 dispose of such property without written permission of the school
580 district. Similarly, for an existing public school converting to

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581 charter status, no rental or leasing fee for the existing
582 facility or for the property normally inventoried to the
583 conversion school may be charged by the district school board to
584 the parents and teachers organizing the charter school. The
585 charter school must ~~shall~~ agree to reasonable maintenance
586 provisions in order to maintain the facility in a manner similar
587 to district school board standards. The Public Education Capital
588 Outlay maintenance funds or any other maintenance funds generated
589 by the facility operated as a conversion school shall remain with
590 the conversion school.

591 Section 3. The Legislature finds that a proper and
592 legitimate state purpose is served when employees and retirees of
593 the state and its political subdivisions, as well as the
594 dependents, survivors, and beneficiaries of such employees and
595 retirees, are extended the basic protections afforded by
596 governmental retirement systems that provide fair and adequate
597 benefits and that are managed, administered, and funded in an
598 actuarially sound manner as required by s. 14, Art. X of the
599 State Constitution and part VII of chapter 112, Florida Statutes.
600 Therefore, the Legislature determines and declares that the
601 amendment of s. 121.091, Florida Statutes, by this act fulfills
602 an important state interest.

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