

By Senator Wise

5-03429B-08

20082810__

1 A bill to be entitled

2 An act relating to charter schools; amending s. 121.091,
3 F.S.; revising requirements for eligibility to participate
4 in the Deferred Retirement Option Program; revising
5 periods during which certain persons may be enrolled in
6 the DROP; amending s. 1002.33, F.S.; requiring a school in
7 a district not granted exclusive authority to sponsor
8 charter schools to first submit the same or a
9 substantially similar application to the district school
10 board in order to appeal an application denial; requiring
11 that a charter school operating a minimum of 3 years and
12 demonstrating certain levels of academic achievement and
13 fiscal management be provided the option of a 15-year
14 charter renewal; removing the criteria that such charters
15 are subject to annual review and may be terminated during
16 the charter term; requiring sponsorship of such charter
17 schools; requiring that accountability reports for charter
18 schools be provided in a format such that a charter school
19 may directly access, complete, and correct it online;
20 requiring the sponsor of a charter school to review an
21 accountability report before final submission to the
22 Department of Education; revising the eligibility
23 requirements for a student to attend a charter school;
24 requiring that Florida Educational Finance Program funds
25 be distributed to the charter school by the sponsor no
26 later than 10 days after receipt by the state; providing
27 that if a district closes a public school, the property
28 and facilities must be made available within 60 days to
29 charter schools to lease or purchase for educational

5-03429B-08

20082810__

30 purposes; requiring that charter schools receive all funds
31 due under the federal school lunch program at the same
32 time and in the same manner as other public schools in the
33 district as soon as a charter school begins serving lunch
34 under the federal program; amending s. 1003.03, F.S.;
35 requiring that the calculation for compliance for charter
36 schools, public school magnet programs, or other public
37 school parental choice programs remains the average at the
38 school level or program level; amending s. 1011.71, F.S.;
39 removing district school board discretion in levying
40 district charter school taxes; amending s. 1013.62, F.S.;
41 expanding the purposes for which a charter school may use
42 capital outlay funding; amending s. 163.3180, F.S.;
43 providing mitigation options to satisfy school concurrency
44 requirements; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Paragraphs (a) and (b) of subsection (13) of
49 section 121.091, Florida Statutes, are amended to read:

50 121.091 Benefits payable under the system.--Benefits may
51 not be paid under this section unless the member has terminated
52 employment as provided in s. 121.021(39)(a) or begun
53 participation in the Deferred Retirement Option Program as
54 provided in subsection (13), and a proper application has been
55 filed in the manner prescribed by the department. The department
56 may cancel an application for retirement benefits when the member
57 or beneficiary fails to timely provide the information and
58 documents required by this chapter and the department's rules.

5-03429B-08

20082810__

59 | The department shall adopt rules establishing procedures for
60 | application for retirement benefits and for the cancellation of
61 | such application when the required information or documents are
62 | not received.

63 | (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
64 | subject to the provisions of this section, the Deferred
65 | Retirement Option Program, hereinafter referred to as the DROP,
66 | is a program under which an eligible member of the Florida
67 | Retirement System may elect to participate, deferring receipt of
68 | retirement benefits while continuing employment with his or her
69 | Florida Retirement System employer. The deferred monthly benefits
70 | shall accrue in the System Trust Fund on behalf of the
71 | participant, plus interest compounded monthly, for the specified
72 | period of the DROP participation, as provided in paragraph (c).
73 | Upon termination of employment, the participant shall receive the
74 | total DROP benefits and begin to receive the previously
75 | determined normal retirement benefits. Participation in the DROP
76 | does not guarantee employment for the specified period of DROP.
77 | Participation in the DROP by an eligible member beyond the
78 | initial 60-month period as authorized in this subsection shall be
79 | on an annual contractual basis for all participants.

80 | (a) Eligibility of member to participate in the DROP.--All
81 | active Florida Retirement System members in a regularly
82 | established position, and all active members of ~~either~~ the
83 | Teachers' Retirement System established in chapter 238 or the
84 | State and County Officers' and Employees' Retirement System
85 | established in chapter 122 which ~~systems~~ are consolidated within
86 | the Florida Retirement System under s. 121.011, are eligible to
87 | elect participation in the DROP if ~~provided that~~:

5-03429B-08

20082810__

88 1. The member is not a renewed member of the Florida
89 Retirement System under s. 121.122, or a member of the State
90 Community College System Optional Retirement Program under s.
91 121.051, the Senior Management Service Optional Annuity Program
92 under s. 121.055, or the optional retirement program for the
93 State University System under s. 121.35.

94 2. Except as provided in subparagraph 6., election to
95 participate is made within 12 months immediately following the
96 date on which the member first reaches normal retirement date,
97 or, for a member who reaches normal retirement date ~~based on~~
98 ~~service~~ before he or she reaches age 62, or age 55 for Special
99 Risk Class members, election to participate may be deferred to
100 the 12 months immediately following the date the member attains
101 57, or age 52 for Special Risk Class members. ~~For a member who~~
102 ~~first reached normal retirement date or the deferred eligibility~~
103 ~~date described above prior to the effective date of this section,~~
104 ~~election to participate shall be made within 12 months after the~~
105 ~~effective date of this section.~~ A member who fails to make an
106 election within the ~~such~~ 12-month limitation period shall forfeit
107 all rights to participate in the DROP. The member shall advise
108 his or her employer and the division in writing of the date on
109 which the DROP shall begin. The ~~Such~~ beginning date may be
110 subsequent to the 12-month election period, but must be within
111 the 60-month or, ~~with respect to members who are instructional~~
112 ~~personnel employed by the Florida School for the Deaf and the~~
113 ~~Blind and who have received authorization by the Board of~~
114 ~~Trustees of the Florida School for the Deaf and the Blind to~~
115 ~~participate in the DROP beyond 60 months, or who are~~
116 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~

5-03429B-08

20082810__

117 ~~grades K-12 and who have received authorization by the district~~
118 ~~school superintendent to participate in the DROP beyond 60~~
119 ~~months, the 96-month maximum participation limitation period as~~
120 provided in subparagraph (b)1. When establishing eligibility of
121 the member to participate in the DROP for the 60-month or, ~~with~~
122 ~~respect to members who are instructional personnel employed by~~
123 ~~the Florida School for the Deaf and the Blind and who have~~
124 ~~received authorization by the Board of Trustees of the Florida~~
125 ~~School for the Deaf and the Blind to participate in the DROP~~
126 ~~beyond 60 months, or who are instructional personnel as defined~~
127 ~~in s. 1012.01(2) (a) - (d) in grades K-12 and who have received~~
128 ~~authorization by the district school superintendent to~~
129 ~~participate in the DROP beyond 60 months, the 96-month maximum~~
130 participation period, the member may elect to include or exclude
131 any optional service credit purchased by the member from the
132 total service used to establish the normal retirement date. A
133 member with dual normal retirement dates is ~~shall be~~ eligible to
134 elect to participate in DROP within 12 months after attaining
135 normal retirement date in either class.

136 3. The employer of a member electing to participate in the
137 DROP, or employers if dually employed, shall acknowledge in
138 writing to the division the date the member's participation in
139 the DROP begins and the date the member's employment and DROP
140 participation will terminate.

141 4. Simultaneous employment of a participant by additional
142 Florida Retirement System employers subsequent to the
143 commencement of participation in the DROP is ~~shall be~~ permissible
144 provided such employers acknowledge in writing a DROP termination
145 date no later than the participant's existing termination date or

5-03429B-08

20082810__

146 the 60-month participation ~~limitation~~ period as provided in
147 subparagraph (b)1.

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

150 a. A change of employment must take place without a break
151 in service so that the member receives salary for each month of
152 continuous DROP participation. If a member receives no salary
153 during a month, DROP participation shall cease unless the
154 employer verifies a continuation of the employment relationship
155 for such participant pursuant to s. 121.021(39)(b).

156 b. Such participant and new employer shall notify the
157 division of the identity of the new employer on forms required by
158 the division ~~as to the identity of the new employer~~.

159 c. The new employer shall acknowledge, in writing, the
160 participant's DROP termination date, which may be extended but
161 not beyond the original 60-month or, ~~with respect to members who~~
162 ~~are instructional personnel employed by the Florida School for~~
163 ~~the Deaf and the Blind and who have received authorization by the~~
164 ~~Board of Trustees of the Florida School for the Deaf and the~~
165 ~~Blind to participate in the DROP beyond 60 months, or who are~~
166 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
167 ~~grades K-12 and who have received authorization by the district~~
168 ~~school superintendent to participate in the DROP beyond 60~~
169 ~~months, the 96-month~~ maximum participation period provided in
170 subparagraph (b)1., shall acknowledge liability for any
171 additional retirement contributions and interest required if the
172 participant fails to timely terminate employment, and shall be
173 subject to the adjustment required in sub-subparagraph (c)5.d.

5-03429B-08

20082810__

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

196 (b) Participation in the DROP.--

197 1. An eligible member may elect to participate in the DROP
198 for a period not to exceed a maximum of 60 calendar months or,
199 with respect to members who are instructional personnel employed
200 by the Florida School for the Deaf and the Blind and who have
201 received authorization by the Board of Trustees of the Florida
202 School for the Deaf and the Blind to participate in the DROP

5-03429B-08

20082810__

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

5-03429B-08

20082810__

232 prior to the effective date of the DROP and whose total accrued
233 value exceeds 75 percent of average final compensation as of his
234 or her effective date of retirement ~~may shall be eligible to~~
235 participate in the DROP for no more than 36 calendar months
236 immediately following the effective date of the 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. ~~The~~ Such termination date must ~~shall~~ be in a
243 binding letter of resignation to ~~with~~ the employer, establishing
244 a deferred termination date. The member may change the
245 termination date within the limitations of subparagraph 1., but
246 only with the written approval of the ~~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, and
253 121.122. However, participation in the DROP does not alter the
254 participant's employment status and the member is ~~such employee~~
255 ~~shall not be~~ deemed retired from employment until his or her
256 deferred resignation is effective and termination occurs as
257 provided in s. 121.021(39).

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

5-03429B-08

20082810__

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. An ~~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 the ~~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 that,
269 ~~however~~, 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 the ~~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 by~~
279 ~~the Board of Trustees of the Florida School for the Deaf and the~~
280 ~~Blind to participate in the DROP beyond 60 months, or who are~~
281 ~~instructional personnel as defined in s. 1012.01(2)(a)-(d) in~~
282 ~~grades K-12 and who have received authorization by the district~~
283 ~~school superintendent to participate in the DROP beyond 60~~
284 ~~months, the 96-month maximum participation ~~limitation~~ period as~~
285 provided in subparagraph 1. for the nonelected position and may
286 continue employment as an elected officer as provided in s.
287 121.053. The elected officer shall ~~will~~ be enrolled as a renewed
288 member in the Elected Officers' Class or the Regular Class, as

5-03429B-08

20082810__

289 | provided in ss. 121.053 and 121.122, on the first day of the
290 | month after termination of employment in the nonelected position
291 | and termination of DROP. Distribution of the DROP benefits shall
292 | be made as provided in paragraph (c).

293 | Section 2. Paragraph (d) of subsection (6), paragraph (b)
294 | of subsection (7), paragraph (1) of subsection (9), paragraph (a)
295 | of subsection (10), paragraphs (b) and (c) of subsection (17),
296 | paragraph (e) of subsection (18), and paragraph (a) of subsection
297 | (20) of section 1002.33, Florida Statutes, are amended to read:

298 | 1002.33 Charter schools.--

299 | (6) APPLICATION PROCESS AND REVIEW.--Charter school
300 | applications are subject to the following requirements:

301 | (d) For charter school applications in school districts
302 | that have not been granted exclusive authority to sponsor charter
303 | schools pursuant to s. 1002.335(5), the right to appeal an
304 | application denial under paragraph (c) shall be contingent on the
305 | applicant having submitted the same or a substantially similar
306 | application to the district school board and the Florida Schools
307 | of Excellence Commission or one of its cosponsors. Any such
308 | applicant whose application is denied by the commission or one of
309 | its cosponsors and ~~subsequent to its denial~~ by the district
310 | school board may exercise its right to appeal the district school
311 | board's denial under paragraph (c) within 30 days after receipt
312 | of the commission's or cosponsor's denial or failure to act on
313 | the application. However, the applicant forfeits its right to
314 | appeal under paragraph (c) if it fails to submit its application
315 | to the commission or one of its cosponsors by August 1 of the
316 | school year immediately following the district school board's
317 | denial of the application.

5-03429B-08

20082810__

318 (7) CHARTER.--The major issues involving the operation of a
319 charter school shall be considered in advance and written into
320 the charter. The charter shall be signed by the governing body of
321 the charter school and the sponsor, following a public hearing to
322 ensure community input.

323 (b)~~1.~~ A charter may be renewed if provided~~that~~ a program
324 review demonstrates that the criteria in paragraph (a) have been
325 successfully accomplished and that none of the grounds for
326 nonrenewal established in ~~by~~ paragraph (8)(a) has been
327 documented. In order to facilitate long-term financing for
328 charter school construction, charter schools operating for a
329 minimum of 3 years and demonstrating exemplary academic
330 programming and fiscal management must be provided the option of
331 ~~are eligible for~~ a 15-year charter renewal. ~~Such long-term~~
332 ~~charter is subject to annual review and may be terminated during~~
333 ~~the term of the charter.~~

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

342 (9) CHARTER SCHOOL REQUIREMENTS.--

343 (1) The governing body of the charter school shall report
344 its progress annually to its sponsor, who ~~which~~ shall forward the
345 report to the Commissioner of Education at the same time as other
346 annual school accountability reports. The Department of Education

5-03429B-08

20082810__

347 shall develop a uniform, online annual accountability report
348 format to be completed by charter schools. This report shall be
349 easy to use ~~utilize~~ and contain demographic information, student
350 performance data, and financial accountability information. A
351 charter school may directly access, complete, and correct school
352 data and information in the online accountability report. The
353 sponsor shall review the report before final submission to ~~shall~~
354 ~~not be required to provide information and data that is~~
355 ~~duplicative and already in the possession of the department. The~~
356 department ~~Department of Education~~ shall include in its
357 compilation a notation if a school failed to file its report by
358 the deadline established by the department. The report shall
359 include at least the following components:

360 1. Student achievement performance data, including the
361 information required for the annual school report and the
362 education accountability system governed by ss. 1008.31 and
363 1008.345. Charter schools are subject to the same accountability
364 requirements as other public schools, including reports of
365 student achievement information that links baseline student data
366 to the school's performance projections identified in the
367 charter. The charter school must ~~shall~~ identify reasons for any
368 difference between projected and actual student performance.

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

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

5-03429B-08

20082810__

376 4. Descriptive information about ~~the~~ charter school
377 ~~school's~~ personnel, including salary and benefit levels of
378 charter school employees, the proportion of instructional
379 personnel who hold professional or temporary certificates, and
380 the proportion of instructional personnel teaching in-field or
381 out-of-field.

382 (10) ELIGIBLE STUDENTS.--

383 (a) A charter school shall be open to any student ~~covered~~
384 ~~in an interdistrict agreement or~~ residing in the school district
385 in which the charter school is located; however, in the case of a
386 charter lab school, the charter lab school shall be open to any
387 student eligible to attend the lab school as provided in s.
388 1002.32 or who resides in the school district in which the
389 charter lab school is located. Any ~~eligible~~ student shall be
390 allowed interdistrict transfer to attend a charter school when
391 based on good cause. Good cause includes, but is not be limited
392 to, geographic proximity to a charter school in a neighboring
393 district.

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

399 (b) The basis for the agreement for funding students
400 enrolled in a charter school shall be the sum of the school
401 district's operating funds from the Florida Education Finance
402 Program as provided in s. 1011.62 and the General Appropriations
403 Act, including gross state and local funds, discretionary lottery
404 funds, and funds from the school district's current operating

5-03429B-08

20082810__

405 discretionary millage levy; divided by total funded weighted
406 full-time equivalent students in the school district; multiplied
407 by the weighted full-time equivalent students for the charter
408 school. Charter schools whose students or programs meet the
409 eligibility criteria in law shall be entitled to their
410 proportionate share of categorical program funds included in the
411 total funds available in the Florida Education Finance Program by
412 the Legislature, including transportation. Total funding for each
413 charter school shall be recalculated during the year to reflect
414 the revised calculations under the Florida Education Finance
415 Program by the state and the actual weighted full-time equivalent
416 students reported by the charter school during the full-time
417 equivalent student survey periods designated by the Commissioner
418 of Education. Florida Education Finance Program funds for a
419 charter school must be distributed to the charter school by the
420 sponsor within 10 days after receipt by the state.

421 (c) If the sponsor ~~district school board~~ is providing
422 programs or services to students funded by federal funds, any
423 eligible students enrolled in charter schools in the school
424 district must ~~shall~~ be provided federal funds for the same level
425 of service provided students in the schools operated by the
426 district school board. Pursuant to ~~provisions of~~ 20 U.S.C. 8061
427 s. 10306, all charter schools shall receive all federal funding
428 for which the school is otherwise eligible, including Title I
429 funding and funding under the Individuals with Disabilities
430 Education Act, not later than 5 months after the charter school
431 first opens and within 5 months after any subsequent expansion of
432 enrollment.

433 (18) FACILITIES.--

5-03429B-08

20082810__

434 (e) If a district school board facility or property is
435 available because it is surplus, marked for disposal, or
436 otherwise unused, it shall be provided for a charter school's use
437 on the same basis as it is made available to other public schools
438 in the district. If a school district closes a public school, the
439 property and facilities must be made available within 60 days for
440 lease or purchase to charter schools within the district to be
441 used for educational purposes. A charter school receiving
442 property from the school district may not sell or dispose of such
443 property without written permission of the school district.
444 Similarly, for an existing public school converting to charter
445 status, no rental or leasing fee for the existing facility or for
446 the property normally inventoried to the conversion school may be
447 charged by the district school board to the parents and teachers
448 organizing the charter school. The charter school shall agree to
449 reasonable maintenance provisions in order to maintain the
450 facility in a manner similar to district school board standards.
451 The Public Education Capital Outlay maintenance funds or any
452 other maintenance funds generated by the facility operated as a
453 conversion school shall remain with the conversion school.

454 (20) SERVICES.--

455 (a) A sponsor shall provide certain administrative and
456 educational services to charter schools. These services shall
457 include contract management services; full-time equivalent and
458 data reporting services; exceptional student education
459 administration services; services related to eligibility and
460 reporting duties required to ensure that school lunch services
461 under the federal lunch program, consistent with the needs of the
462 charter school, are provided by the school district at the

5-03429B-08

20082810__

463 request of the charter school, that any funds due the charter
464 school under the federal lunch program are paid to the charter
465 school as soon as the charter school begins serving food under
466 the federal lunch program, and that the charter school is paid at
467 the same time and in the same manner as other public schools
468 serviced by the sponsor or school district; test administration
469 services, including payment of the costs of state-required or
470 district-required student assessments; processing of teacher
471 certificate data services; and information services, including
472 equal access to student information systems that are used by
473 public schools in the district in which the charter school is
474 located. Student performance data for each student in a charter
475 school, including, but not limited to, FCAT scores, standardized
476 test scores, previous public school student report cards, and
477 student performance measures, shall be provided by the sponsor to
478 a charter school in the same manner provided to other public
479 schools in the district. A total administrative fee for the
480 provision of such services shall be calculated based upon up to 5
481 percent of the available funds defined in paragraph (17)(b) for
482 all students. However, a sponsor may only withhold up to a 5-
483 percent administrative fee for enrollment for up to and including
484 500 students. For charter schools with a population of 501 or
485 more students, the difference between the total administrative
486 fee calculation and the amount of the administrative fee withheld
487 may only be used for capital outlay purposes specified in s.
488 1013.62(2). Sponsors shall not charge charter schools any
489 additional fees or surcharges for administrative and educational
490 services in addition to the maximum 5-percent administrative fee
491 withheld pursuant to this paragraph.

5-03429B-08

20082810__

492 Section 3. Paragraph (b) of subsection (2) of section
493 1003.03, Florida Statutes, is amended to read:

494 1003.03 Maximum class size.--

495 (2) IMPLEMENTATION.--

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

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

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

504 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
505 the calculation for compliance shall be at the individual
506 classroom level. However, the calculation for compliance for
507 charter schools, public school magnet programs, or other public
508 school parental choice programs shall remain the average at the
509 school level or program level.

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

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

515 1011.71 District school tax.--

516 (2) In addition to the maximum millage levy as provided in
517 subsection (1), each school board may levy not more than 2 mills
518 against the taxable value for school purposes for district
519 schools, including charter schools ~~at the discretion of the~~
520 ~~school board~~, to fund:

5-03429B-08

20082810__

521 (a) New construction and remodeling projects, as set forth
522 in s. 1013.64(3)(b) and (6)(b) and included in the district's
523 educational plant survey pursuant to s. 1013.31, without regard
524 to prioritization, sites and site improvement or expansion to new
525 sites, existing sites, auxiliary facilities, athletic facilities,
526 or ancillary facilities.

527 (b) Maintenance, renovation, and repair of existing school
528 plants or of leased facilities to correct deficiencies pursuant
529 to s. 1013.15(2).

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

531 (d) The purchase, lease-purchase, or lease of new and
532 replacement equipment.

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

539 (f) Payment of loans approved pursuant to ss. 1011.14 and
540 1011.15.

541 (g) Payment of costs directly related to complying with
542 state and federal environmental statutes, rules, and regulations
543 governing school facilities.

544 (h) Payment of costs of leasing relocatable educational
545 facilities, of renting or leasing educational facilities and
546 sites pursuant to s. 1013.15(2), or of renting or leasing
547 buildings or space within existing buildings pursuant to s.
548 1013.15(4).

5-03429B-08

20082810__

549 (i) Payment of the cost of school buses when a school
550 district contracts with a private entity to provide student
551 transportation services if the district meets the requirements of
552 this paragraph.

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

557 2. Each such school bus must be used for the daily
558 transportation of public school students in the manner required
559 by the school district.

560 3. Annual payment for each such school bus may not exceed
561 10 percent of the purchase price of the state pool bid.

562 4. The proposed expenditure of the funds for this purpose
563 must have been included in the district school board's notice of
564 proposed tax for school capital outlay as provided in s.
565 200.065(10).

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

568 Section 5. Subsection (2) of section 1013.62, Florida
569 Statutes, is amended to read:

570 1013.62 Charter schools capital outlay funding.--

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

573 (a) Purchase of real property.

574 (b) Construction of school facilities.

575 (c) Purchase, lease-purchase, or lease of permanent or
576 relocatable school facilities.

5-03429B-08

20082810__

577 (d) Purchase of vehicles to transport students to and from
578 the charter school.

579 (e) Renovation, repair, and maintenance of school
580 facilities that the charter school owns or is purchasing through
581 a lease-purchase or long-term lease of 5 years or longer.

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

583

584 Conversion charter schools may use capital outlay funds received
585 through the reduction in the administrative fee provided in s.
586 1002.33(20) for renovation, repair, and maintenance of school
587 facilities that are owned by the sponsor.

588 Section 6. Paragraph (e) of subsection (13) of section
589 163.3180, Florida Statutes, is amended to read:

590 163.3180 Concurrency.--

591 (13) School concurrency shall be established on a
592 districtwide basis and shall include all public schools in the
593 district and all portions of the district, whether located in a
594 municipality or an unincorporated area unless exempt from the
595 public school facilities element pursuant to s. 163.3177(12). The
596 application of school concurrency to development shall be based
597 upon the adopted comprehensive plan, as amended. All local
598 governments within a county, except as provided in paragraph (f),
599 shall adopt and transmit to the state land planning agency the
600 necessary plan amendments, along with the interlocal agreement,
601 for a compliance review pursuant to s. 163.3184(7) and (8). The
602 minimum requirements for school concurrency are the following:

603 (e) Availability standard.--Consistent with the public
604 welfare, a local government may not deny an application for site
605 plan, final subdivision approval, or the functional equivalent

5-03429B-08

20082810__

606 for a development or phase of a development authorizing
607 residential development for failure to achieve and maintain the
608 level-of-service standard for public school capacity in a local
609 school concurrency management system where adequate school
610 facilities will be in place or under actual construction within 3
611 years after the issuance of final subdivision or site plan
612 approval, or the functional equivalent. School concurrency is
613 satisfied if the developer executes a legally binding commitment
614 to provide mitigation proportionate to the demand for public
615 school facilities to be created by actual development of the
616 property, including, but not limited to, the options described in
617 subparagraph 1. Options for proportionate-share mitigation of
618 impacts on public school facilities must be established in the
619 public school facilities element and the interlocal agreement
620 pursuant to s. 163.31777.

621 1. Appropriate mitigation options include the contribution
622 of land; the construction, expansion, or payment for land
623 acquisition or construction of a public school facility; the
624 construction of a charter school that complies with the
625 requirements of s. 1002.33(18)(f); or the creation of mitigation
626 banking based on the construction of a public school facility in
627 exchange for the right to sell capacity credits. Such options
628 must include execution by the applicant and the local government
629 of a development agreement that constitutes a legally binding
630 commitment to pay proportionate-share mitigation for the
631 additional residential units approved by the local government in
632 a development order and actually developed on the property,
633 taking into account residential density allowed on the property
634 prior to the plan amendment that increased the overall

5-03429B-08

20082810__

635 residential density. The district school board must be a party to
636 such an agreement. Grounds for the local government or district
637 school board to refuse to approve a development agreement
638 proffering charter school facilities is limited to the
639 agreement's compliance with s. 1002.33(18)(f). As a condition of
640 its entry into such a development agreement, the local government
641 may require the landowner to agree to continuing renewal of the
642 agreement upon its expiration.

643 2. If the education facilities plan and the public
644 educational facilities element authorize a contribution of land;
645 the construction, expansion, or payment for land acquisition; ~~or~~
646 the construction or expansion of a public school facility, or a
647 portion thereof; or the construction of a charter school that
648 complies with the requirements of s. 1002.33(18)(f), as
649 proportionate-share mitigation, the local government shall credit
650 such a contribution, construction, expansion, or payment toward
651 any other impact fee or exaction imposed by local ordinance for
652 the same need, on a dollar-for-dollar basis at fair market value.

653 3. Any proportionate-share mitigation must be directed by
654 the school board toward a school capacity improvement identified
655 in a financially feasible 5-year district work plan that
656 satisfies the demands created by the development in accordance
657 with a binding developer's agreement.

658 4. If a development is precluded from commencing because
659 there is inadequate classroom capacity to mitigate the impacts of
660 the development, the development may nevertheless commence if
661 there are accelerated facilities in an approved capital
662 improvement element scheduled for construction in year four or
663 later of such plan which, when built, will mitigate the proposed

5-03429B-08

20082810__

664 development, or if such accelerated facilities will be in the
665 next annual update of the capital facilities element, the
666 developer enters into a binding, financially guaranteed agreement
667 with the school district to construct an accelerated facility
668 within the first 3 years of an approved capital improvement plan,
669 and the cost of the school facility is equal to or greater than
670 the development's proportionate share. When the completed school
671 facility is conveyed to the school district, the developer shall
672 receive impact fee credits usable within the zone where the
673 facility is constructed or any attendance zone contiguous with or
674 adjacent to the zone where the facility is constructed.

675 5. This paragraph does not limit the authority of a local
676 government to deny a development permit or its functional
677 equivalent pursuant to its home rule regulatory powers, except as
678 provided in this part.

679 Section 7. This act shall take effect July 1, 2008.