

20111546e1

1                   A bill to be entitled  
2           An act relating to charter schools; amending ss.  
3           163.3180 and 1002.32, F.S.; conforming cross-  
4           references; amending s. 1002.33, F.S.; requiring that  
5           the Department of Education provide or arrange for  
6           training and technical assistance for charter schools;  
7           authorizing a sponsor to require certain governing  
8           board members to reside in the school district;  
9           providing for the designation of charter schools as  
10          high-performing if certain requirements are met;  
11          providing definitions relating to the high-performing  
12          charter school system; revising provisions to conform  
13          to changes made by the act; amending ss. 1002.34,  
14          1011.68, 1012.32, and 1013.62, F.S.; conforming cross-  
15          references; requiring that the Office of Program  
16          Policy Analysis and Government Accountability conduct  
17          a study comparing the funding of charter schools to  
18          the funding of public schools; providing requirements  
19          for the study; requiring that the office submit its  
20          recommendations and findings to the Governor and  
21          Legislature by a specified date; providing for  
22          severability; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Paragraph (e) of subsection (13) of section  
27   163.3180, Florida Statutes, is amended to read:

28           163.3180 Concurrency.—

29           (13) School concurrency shall be established on a

20111546e1

30 districtwide basis and shall include all public schools in the  
31 district and all portions of the district, whether located in a  
32 municipality or an unincorporated area unless exempt from the  
33 public school facilities element pursuant to s. 163.3177(12).  
34 The application of school concurrency to development shall be  
35 based upon the adopted comprehensive plan, as amended. All local  
36 governments within a county, except as provided in paragraph  
37 (f), shall adopt and transmit to the state land planning agency  
38 the necessary plan amendments, along with the interlocal  
39 agreement, for a compliance review pursuant to s. 163.3184(7)  
40 and (8). The minimum requirements for school concurrency are the  
41 following:

42 (e) *Availability standard.*—Consistent with the public  
43 welfare, a local government may not deny an application for site  
44 plan, final subdivision approval, or the functional equivalent  
45 for a development or phase of a development authorizing  
46 residential development for failure to achieve and maintain the  
47 level-of-service standard for public school capacity in a local  
48 school concurrency management system where adequate school  
49 facilities will be in place or under actual construction within  
50 3 years after the issuance of final subdivision or site plan  
51 approval, or the functional equivalent. School concurrency is  
52 satisfied if the developer executes a legally binding commitment  
53 to provide mitigation proportionate to the demand for public  
54 school facilities to be created by actual development of the  
55 property, including, but not limited to, the options described  
56 in subparagraph 1. Options for proportionate-share mitigation of  
57 impacts on public school facilities must be established in the  
58 public school facilities element and the interlocal agreement

20111546e1

59 pursuant to s. 163.31777.

60 1. Appropriate mitigation options include the contribution  
61 of land; the construction, expansion, or payment for land  
62 acquisition or construction of a public school facility; the  
63 construction of a charter school that complies with the  
64 requirements of s. 1002.33(20) ~~s. 1002.33(18)~~; or the creation  
65 of mitigation banking based on the construction of a public  
66 school facility in exchange for the right to sell capacity  
67 credits. Such options must include execution by the applicant  
68 and the local government of a development agreement that  
69 constitutes a legally binding commitment to pay proportionate-  
70 share mitigation for the additional residential units approved  
71 by the local government in a development order and actually  
72 developed on the property, taking into account residential  
73 density allowed on the property prior to the plan amendment that  
74 increased the overall residential density. The district school  
75 board must be a party to such an agreement. As a condition of  
76 its entry into such a development agreement, the local  
77 government may require the landowner to agree to continuing  
78 renewal of the agreement upon its expiration.

79 2. If the education facilities plan and the public  
80 educational facilities element authorize a contribution of land;  
81 the construction, expansion, or payment for land acquisition;  
82 the construction or expansion of a public school facility, or a  
83 portion thereof; or the construction of a charter school that  
84 complies with the requirements of s. 1002.33(20) ~~s. 1002.33(18)~~,  
85 as proportionate-share mitigation, the local government shall  
86 credit such a contribution, construction, expansion, or payment  
87 toward any other impact fee or exaction imposed by local

20111546e1

88 ordinance for the same need, on a dollar-for-dollar basis at  
89 fair market value.

90 3. Any proportionate-share mitigation must be directed by  
91 the school board toward a school capacity improvement identified  
92 in a financially feasible 5-year district work plan that  
93 satisfies the demands created by the development in accordance  
94 with a binding developer's agreement.

95 4. If a development is precluded from commencing because  
96 there is inadequate classroom capacity to mitigate the impacts  
97 of the development, the development may nevertheless commence if  
98 there are accelerated facilities in an approved capital  
99 improvement element scheduled for construction in year four or  
100 later of such plan which, when built, will mitigate the proposed  
101 development, or if such accelerated facilities will be in the  
102 next annual update of the capital facilities element, the  
103 developer enters into a binding, financially guaranteed  
104 agreement with the school district to construct an accelerated  
105 facility within the first 3 years of an approved capital  
106 improvement plan, and the cost of the school facility is equal  
107 to or greater than the development's proportionate share. When  
108 the completed school facility is conveyed to the school  
109 district, the developer shall receive impact fee credits usable  
110 within the zone where the facility is constructed or any  
111 attendance zone contiguous with or adjacent to the zone where  
112 the facility is constructed.

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

20111546e1

117 Section 2. Paragraph (c) of subsection (9) of section  
118 1002.32, Florida Statutes, is amended to read:

119 1002.32 Developmental research (laboratory) schools.—

120 (9) FUNDING.—Funding for a lab school, including a charter  
121 lab school, shall be provided as follows:

122 (c) All operating funds provided under this section shall  
123 be deposited in a Lab School Trust Fund and shall be expended  
124 for the purposes of this section. The university assigned a lab  
125 school shall be the fiscal agent for these funds, and all rules  
126 of the university governing the budgeting and expenditure of  
127 state funds shall apply to these funds unless otherwise provided  
128 by law or rule of the State Board of Education. The university  
129 board of trustees shall be the public employer of lab school  
130 personnel for collective bargaining purposes for lab schools in  
131 operation prior to the 2002-2003 fiscal year. Employees of  
132 charter lab schools authorized prior to June 1, 2003, but not in  
133 operation prior to the 2002-2003 fiscal year shall be employees  
134 of the entity holding the charter and must comply with the  
135 provisions of s. 1002.33(14) ~~s. 1002.33(12)~~.

136 Section 3. Subsections (6) through (26) of section 1002.33,  
137 Florida Statutes, are amended to read:

138 1002.33 Charter schools.—

139 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
140 applications are subject to the following requirements:

141 (a) A person or entity wishing to open a charter school  
142 shall prepare and submit an application on a model application  
143 form prepared by the Department of Education which:

144 1. Demonstrates how the school will use the guiding  
145 principles and meet the statutorily defined purpose of a charter

20111546e1

146 school.

147 2. Provides a detailed curriculum plan that illustrates how  
148 students will be provided services to attain the Sunshine State  
149 Standards.

150 3. Contains goals and objectives for improving student  
151 learning and measuring that improvement. These goals and  
152 objectives must indicate how much academic improvement students  
153 are expected to show each year, how success will be evaluated,  
154 and the specific results to be attained through instruction.

155 4. Describes the reading curriculum and differentiated  
156 strategies that will be used for students reading at grade level  
157 or higher and a separate curriculum and strategies for students  
158 who are reading below grade level. A sponsor shall deny a  
159 charter if the school does not propose a reading curriculum that  
160 is consistent with effective teaching strategies that are  
161 grounded in scientifically based reading research.

162 5. Contains an annual financial plan for each year  
163 requested by the charter for operation of the school for up to 5  
164 years. This plan must contain anticipated fund balances based on  
165 revenue projections, a spending plan based on projected revenues  
166 and expenses, and a description of controls that will safeguard  
167 finances and projected enrollment trends.

168 6. Documents that the applicant has participated in the  
169 training required in subparagraph (b)2. ~~(f)2.~~ A sponsor may  
170 require an applicant to provide additional information as an  
171 addendum to the charter school application described in this  
172 paragraph.

173 (b)1. The Department of Education shall provide or arrange  
174 for training and technical assistance to charter schools in

20111546e1

175 developing business plans and estimating costs and income.  
176 Training and technical assistance shall address estimating  
177 startup costs, projecting enrollment, and identifying the types  
178 and amounts of state and federal financial assistance that the  
179 charter school may be eligible to receive. The department may  
180 provide other technical assistance to an applicant upon written  
181 request.

182 2. A charter school applicant must participate in the  
183 training provided by the Department of Education after approval  
184 of an application, but at least 30 calendar days before the  
185 first day of classes at the charter school. However, a sponsor  
186 may require the charter school applicant to attend training  
187 provided by the sponsor in lieu of the department's training if  
188 the sponsor's training standards meet or exceed the standards  
189 developed by the department. A sponsor may not require a charter  
190 school applicant to attend its training within 30 calendar days  
191 before the first day of classes at the charter school when it  
192 requires the charter school to attend its training in lieu of  
193 the department's training. The training must include instruction  
194 in accurate financial planning and good business practices. If  
195 the applicant is a management company or a nonprofit  
196 organization, the charter school principal and the chief  
197 financial officer or his or her equivalent must also participate  
198 in the training. However, a sponsor may not require a high-  
199 performing charter school or high-performing charter school  
200 system applicant to participate in the training described in  
201 this subparagraph more than once.

202 (c) ~~(b)~~ A sponsor shall receive and review all applications  
203 for a charter school using an evaluation instrument developed by

20111546e1

204 the Department of Education. Beginning with the 2007-2008 school  
205 year, a sponsor shall receive and consider charter school  
206 applications received on or before August 1 of each calendar  
207 year for charter schools to be opened at the beginning of the  
208 school district's next school year, or to be opened at a time  
209 agreed to by the applicant and the sponsor. A sponsor may  
210 receive applications later than this date if it chooses. A  
211 sponsor may not charge an applicant for a charter any fee for  
212 the processing or consideration of an application, and a sponsor  
213 may not base its consideration or approval of an application  
214 upon the promise of future payment of any kind. Before approving  
215 or denying any application, the sponsor shall allow the  
216 applicant at least 7 calendar days to make technical or  
217 nonsubstantive corrections and clarifications, including, but  
218 not limited to, grammatical, typographical, and like errors or  
219 missing signatures, if such errors are identified by the sponsor  
220 as cause to deny the application.

221 1. In order to facilitate an accurate budget projection  
222 process, a sponsor shall be held harmless for FTE students who  
223 are not included in the FTE projection due to approval of  
224 charter school applications after the FTE projection deadline.  
225 In a further effort to facilitate an accurate budget projection,  
226 within 15 calendar days after receipt of a charter school  
227 application, a sponsor shall report to the Department of  
228 Education the name of the applicant entity, the proposed charter  
229 school location, and its projected FTE.

230 2. In order to ensure fiscal responsibility, an application  
231 for a charter school shall include a full accounting of expected  
232 assets, a projection of expected sources and amounts of income,



20111546e1

233 including income derived from projected student enrollments and  
234 from community support, and an expense projection that includes  
235 full accounting of the costs of operation, including start-up  
236 costs.

237 3. A sponsor shall by a majority vote approve or deny an  
238 application no later than 60 calendar days after the application  
239 is received, unless the sponsor and the applicant mutually agree  
240 in writing to temporarily postpone the vote to a specific date,  
241 at which time the sponsor shall by a majority vote approve or  
242 deny the application. If the sponsor fails to act on the  
243 application, an applicant may appeal to the State Board of  
244 Education as provided in paragraph (d) ~~paragraph (e)~~. If an  
245 application is denied, the sponsor shall, within 10 calendar  
246 days after such denial, articulate in writing the specific  
247 reasons, based upon good cause, supporting its denial of the  
248 charter application and shall provide the letter of denial and  
249 supporting documentation to the applicant and to the Department  
250 of Education supporting those reasons.

251 4. For budget projection purposes, the sponsor shall report  
252 to the Department of Education the approval or denial of a  
253 charter application within 10 calendar days after such approval  
254 or denial. In the event of approval, the report to the  
255 Department of Education shall include the final projected FTE  
256 for the approved charter school.

257 5. Upon approval of a charter application, the initial  
258 startup shall commence with the beginning of the public school  
259 calendar for the district in which the charter is granted unless  
260 the sponsor allows a waiver of this subparagraph for good cause.

261 (d) ~~(e)~~ An applicant may appeal any denial of that

20111546e1

262 applicant's application or failure to act on an application to  
263 the State Board of Education no later than 30 calendar days  
264 after receipt of the sponsor's decision or failure to act and  
265 shall notify the sponsor of its appeal. Any response of the  
266 sponsor shall be submitted to the State Board of Education  
267 within 30 calendar days after notification of the appeal. Upon  
268 receipt of notification from the State Board of Education that a  
269 charter school applicant is filing an appeal, the Commissioner  
270 of Education shall convene a meeting of the Charter School  
271 Appeal Commission to study and make recommendations to the State  
272 Board of Education regarding its pending decision about the  
273 appeal. The commission shall forward its recommendation to the  
274 state board no later than 7 calendar days prior to the date on  
275 which the appeal is to be heard. The State Board of Education  
276 shall by majority vote accept or reject the decision of the  
277 sponsor no later than 90 calendar days after an appeal is filed  
278 in accordance with State Board of Education rule. The Charter  
279 School Appeal Commission may reject an appeal submission for  
280 failure to comply with procedural rules governing the appeals  
281 process. The rejection shall describe the submission errors. The  
282 appellant may have up to 15 calendar days from notice of  
283 rejection to resubmit an appeal that meets requirements of State  
284 Board of Education rule. An application for appeal submitted  
285 subsequent to such rejection shall be considered timely if the  
286 original appeal was filed within 30 calendar days after receipt  
287 of notice of the specific reasons for the sponsor's denial of  
288 the charter application. The State Board of Education shall  
289 remand the application to the sponsor with its written decision  
290 that the sponsor approve or deny the application. The sponsor

20111546e1

291 shall implement the decision of the State Board of Education.  
292 The decision of the State Board of Education is not subject to  
293 the provisions of the Administrative Procedure Act, chapter 120.

294 (e)~~(d)~~ The sponsor shall act upon the decision of the State  
295 Board of Education within 30 calendar days after it is received.  
296 The State Board of Education's decision is a final action  
297 subject to judicial review in the district court of appeal.

298 (f)~~(e)~~1. A Charter School Appeal Commission is established  
299 to assist the commissioner and the State Board of Education with  
300 a fair and impartial review of appeals by applicants whose  
301 charter applications have been denied, whose charter contracts  
302 have not been renewed, or whose charter contracts have been  
303 terminated by their sponsors.

304 2. The Charter School Appeal Commission may receive copies  
305 of the appeal documents forwarded to the State Board of  
306 Education, review the documents, gather other applicable  
307 information regarding the appeal, and make a written  
308 recommendation to the commissioner. The recommendation must  
309 state whether the appeal should be upheld or denied and include  
310 the reasons for the recommendation being offered. The  
311 commissioner shall forward the recommendation to the State Board  
312 of Education no later than 7 calendar days prior to the date on  
313 which the appeal is to be heard. The state board must consider  
314 the commission's recommendation in making its decision, but is  
315 not bound by the recommendation. The decision of the Charter  
316 School Appeal Commission is not subject to the provisions of the  
317 Administrative Procedure Act, chapter 120.

318 3. The commissioner shall appoint the members of the  
319 Charter School Appeal Commission. Members shall serve without

20111546e1

320 compensation but may be reimbursed for travel and per diem  
321 expenses in conjunction with their service. One-half of the  
322 members must represent currently operating charter schools, and  
323 one-half of the members must represent sponsors. The  
324 commissioner or a named designee shall chair the Charter School  
325 Appeal Commission.

326 4. The chair shall convene meetings of the commission and  
327 shall ensure that the written recommendations are completed and  
328 forwarded in a timely manner. In cases where the commission  
329 cannot reach a decision, the chair shall make the written  
330 recommendation with justification, noting that the decision was  
331 rendered by the chair.

332 5. Commission members shall thoroughly review the materials  
333 presented to them from the appellant and the sponsor. The  
334 commission may request information to clarify the documentation  
335 presented to it. In the course of its review, the commission may  
336 facilitate the postponement of an appeal in those cases where  
337 additional time and communication may negate the need for a  
338 formal appeal and both parties agree, in writing, to postpone  
339 the appeal to the State Board of Education. A new date certain  
340 for the appeal shall then be set based upon the rules and  
341 procedures of the State Board of Education. Commission members  
342 shall provide a written recommendation to the state board as to  
343 whether the appeal should be upheld or denied. A fact-based  
344 justification for the recommendation must be included. The chair  
345 must ensure that the written recommendation is submitted to the  
346 State Board of Education members no later than 7 calendar days  
347 prior to the date on which the appeal is to be heard. Both  
348 parties in the case shall also be provided a copy of the

20111546e1

349 recommendation.

350 ~~(f)1. The Department of Education shall offer or arrange~~  
351 ~~for training and technical assistance to charter school~~  
352 ~~applicants in developing business plans and estimating costs and~~  
353 ~~income. This assistance shall address estimating startup costs,~~  
354 ~~projecting enrollment, and identifying the types and amounts of~~  
355 ~~state and federal financial assistance the charter school may be~~  
356 ~~eligible to receive. The department may provide other technical~~  
357 ~~assistance to an applicant upon written request.~~

358 ~~2. A charter school applicant must participate in the~~  
359 ~~training provided by the Department of Education before filing~~  
360 ~~an application. However, a sponsor may require the charter~~  
361 ~~school applicant to attend training provided by the sponsor in~~  
362 ~~lieu of the department's training if the sponsor's training~~  
363 ~~standards meet or exceed the standards developed by the~~  
364 ~~Department of Education. The training shall include instruction~~  
365 ~~in accurate financial planning and good business practices. If~~  
366 ~~the applicant is a management company or other nonprofit~~  
367 ~~organization, the charter school principal and the chief~~  
368 ~~financial officer or his or her equivalent must also participate~~  
369 ~~in the training.~~

370 (g) In considering charter applications for a lab school, a  
371 state university shall consult with the district school board of  
372 the county in which the lab school is located. The decision of a  
373 state university may be appealed pursuant to the procedure  
374 established in this subsection.

375 (h) The terms and conditions for the operation of a charter  
376 school shall be set forth by the sponsor and the applicant in a  
377 written contractual agreement, called a charter. The sponsor

20111546e1

378 shall not impose unreasonable rules or regulations that violate  
379 the intent of giving charter schools greater flexibility to meet  
380 educational goals. The sponsor shall have 60 days to provide an  
381 initial proposed charter contract to the charter school. The  
382 applicant and the sponsor shall have 75 days thereafter to  
383 negotiate and notice the charter contract for final approval by  
384 the sponsor unless both parties agree to an extension. The  
385 proposed charter contract shall be provided to the charter  
386 school at least 7 calendar days before ~~prior to~~ the date of the  
387 meeting at which the charter is scheduled to be voted upon by  
388 the sponsor. The Department of Education shall provide mediation  
389 services for any dispute regarding this section subsequent to  
390 the approval of a charter application and for any dispute  
391 relating to the approved charter, except disputes regarding  
392 charter school application denials. If the Commissioner of  
393 Education determines that the dispute cannot be settled through  
394 mediation, the dispute may be appealed to an administrative law  
395 judge appointed by the Division of Administrative Hearings. The  
396 administrative law judge may rule on issues of equitable  
397 treatment of the charter school as a public school, whether  
398 proposed provisions of the charter violate the intended  
399 flexibility granted charter schools by statute, or on any other  
400 matter regarding this section except a charter school  
401 application denial, a charter termination, or a charter  
402 nonrenewal and shall award the prevailing party reasonable  
403 attorney's fees and costs incurred to be paid by the losing  
404 party. The costs of the administrative hearing shall be paid by  
405 the party whom the administrative law judge rules against.

406 (7) CHARTER.—The major issues involving the operation of a

20111546e1

407 charter school shall be considered in advance and written into  
408 the charter. The charter shall be signed by the governing body  
409 of the charter school and the sponsor, following a public  
410 hearing to ensure community input.

411 (a) The charter shall address and criteria for approval of  
412 the charter shall be based on:

413 1. The school's mission, the students to be served, and the  
414 ages and grades to be included.

415 2. The focus of the curriculum, the instructional methods  
416 to be used, any distinctive instructional techniques to be  
417 employed, and identification and acquisition of appropriate  
418 technologies needed to improve educational and administrative  
419 performance which include a means for promoting safe, ethical,  
420 and appropriate uses of technology which comply with legal and  
421 professional standards. The charter shall ensure that reading is  
422 a primary focus of the curriculum and that resources are  
423 provided to identify and provide specialized instruction for  
424 students who are reading below grade level. The curriculum and  
425 instructional strategies for reading must be consistent with the  
426 Sunshine State Standards and grounded in scientifically based  
427 reading research.

428 3. The current incoming baseline standard of student  
429 academic achievement, the outcomes to be achieved, and the  
430 method of measurement that will be used. The criteria listed in  
431 this subparagraph shall include a detailed description of:

432 a. How the baseline student academic achievement levels and  
433 prior rates of academic progress will be established.

434 b. How these baseline rates will be compared to rates of  
435 academic progress achieved by these same students while

20111546e1

436 attending the charter school.

437 c. To the extent possible, how these rates of progress will  
438 be evaluated and compared with rates of progress of other  
439 closely comparable student populations.

440

441 The district school board is required to provide academic  
442 student performance data to charter schools for each of their  
443 students coming from the district school system, as well as  
444 rates of academic progress of comparable student populations in  
445 the district school system.

446 4. The methods used to identify the educational strengths  
447 and needs of students and how well educational goals and  
448 performance standards are met by students attending the charter  
449 school. The methods shall provide a means for the charter school  
450 to ensure accountability to its constituents by analyzing  
451 student performance data and by evaluating the effectiveness and  
452 efficiency of its major educational programs. Students in  
453 charter schools shall, at a minimum, participate in the  
454 statewide assessment program created under s. 1008.22.

455 5. In secondary charter schools, a method for determining  
456 that a student has satisfied the requirements for graduation in  
457 s. 1003.428, s. 1003.429, or s. 1003.43.

458 6. A method for resolving conflicts between the governing  
459 body of the charter school and the sponsor.

460 7. The admissions procedures and dismissal procedures,  
461 including the school's code of student conduct.

462 8. The ways by which the school will achieve a  
463 racial/ethnic balance reflective of the community it serves or  
464 within the racial/ethnic range of other public schools in the



20111546e1

465 same school district.

466 9. The financial and administrative management of the  
467 school, including a ~~reasonable~~ demonstration of the professional  
468 experience or competence of those individuals or organizations  
469 applying to operate the charter school or those hired or  
470 retained to perform such professional services and the  
471 description of clearly delineated responsibilities and the  
472 policies and practices needed to effectively manage the charter  
473 school. A description of internal audit procedures and  
474 establishment of controls to ensure that financial resources are  
475 properly managed must be included. Both public sector and  
476 private sector professional experience shall be equally valid in  
477 such a consideration.

478 10. The asset and liability projections required in the  
479 application which are incorporated into the charter and shall be  
480 compared with information provided in the annual report of the  
481 charter school.

482 11. A description of procedures that identify various risks  
483 and provide for a comprehensive approach to reduce the impact of  
484 losses; plans to ensure the safety and security of students and  
485 staff; plans to identify, minimize, and protect others from  
486 violent or disruptive student behavior; and the manner in which  
487 the school will be insured, including whether or not the school  
488 will be required to have liability insurance, and, if so, the  
489 terms and conditions thereof and the amounts of coverage.

490 12. The term of the charter which shall provide for  
491 cancellation of the charter if insufficient progress has been  
492 made in attaining the student achievement objectives of the  
493 charter and if it is not likely that such objectives can be

20111546e1

494 achieved before expiration of the charter. The initial term of a  
495 charter shall be for ~~4 or~~ 5 years, unless the charter meets the  
496 requirements of a high-performing charter school system pursuant  
497 to subsection (11). ~~In order to facilitate access to long-term~~  
498 ~~financial resources for charter school construction,~~ Charter  
499 schools ~~that are operated by a municipality or other public~~  
500 ~~entity as provided by law~~ are eligible for up to a 15-year  
501 charter, subject to approval by the district school board. A  
502 charter lab school is eligible for a charter for a term of up to  
503 15 years. ~~In addition, to facilitate access to long-term~~  
504 ~~financial resources for charter school construction,~~ charter  
505 schools ~~that are operated by a private, not-for-profit, s.~~  
506 ~~501(c)(3) status corporation~~ are eligible for up to a 15-year  
507 charter, subject to approval by the district school board. Such  
508 long-term charters remain subject to annual review and may be  
509 terminated during the term of the charter, but only according to  
510 the provisions set forth in subsection (8).

511 13. The facilities to be used and their location.

512 14. The qualifications to be required of the teachers and  
513 the potential strategies used to recruit, hire, train, and  
514 retain qualified staff to achieve best value.

515 15. The governance structure of the school, including the  
516 status of the charter school as a public or private employer as  
517 required in paragraph (14)(i) ~~(12)(i)~~.

518 16. A timetable for implementing the charter which  
519 addresses the implementation of each element thereof and the  
520 date by which the charter shall be awarded in order to meet this  
521 timetable.

522 17. In the case of an existing public school that is being

20111546e1

523 converted to charter status, alternative arrangements for  
524 current students who choose not to attend the charter school and  
525 for current teachers who choose not to teach in the charter  
526 school after conversion in accordance with the existing  
527 collective bargaining agreement or district school board rule in  
528 the absence of a collective bargaining agreement. However,  
529 alternative arrangements shall not be required for current  
530 teachers who choose not to teach in a charter lab school, except  
531 as authorized by the employment policies of the state university  
532 which grants the charter to the lab school.

533 18. Full disclosure of the identity of all relatives  
534 employed by the charter school who are related to the charter  
535 school owner, president, chairperson of the governing board of  
536 directors, superintendent, governing board member, principal,  
537 assistant principal, or any other person employed by the charter  
538 school who has equivalent decisionmaking authority. For the  
539 purpose of this subparagraph, the term "relative" means father,  
540 mother, son, daughter, brother, sister, uncle, aunt, first  
541 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
542 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
543 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
544 stepsister, half brother, or half sister.

545 (b)1. A charter may be renewed provided that a program  
546 review demonstrates that the criteria in paragraph (a) have been  
547 successfully accomplished and that none of the grounds for  
548 nonrenewal established by paragraph (8) (a) has been documented.  
549 In order to facilitate long-term financing for charter school  
550 construction, charter schools operating for a minimum of 3 years  
551 and demonstrating exemplary academic programming and fiscal

20111546e1

552 management are eligible for a 15-year charter renewal. Such  
553 long-term charter is subject to annual review and may be  
554 terminated during the term of the charter.

555 2. The 15-year charter renewal that may be granted pursuant  
556 to subparagraph 1. shall be granted to a charter school that has  
557 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
558 3 of the past 4 years and is not in a state of financial  
559 emergency or deficit position as defined by this section. Such  
560 long-term charter is subject to annual review and may be  
561 terminated during the term of the charter pursuant to subsection  
562 (8).

563 (c) A charter may be modified during its initial term or  
564 any renewal term upon the recommendation of the sponsor or the  
565 charter school governing board and the approval of both parties  
566 to the agreement.

567 (d) A school district may require up to two of the charter  
568 school's governing board members to reside in the school  
569 district in which the charter school is located. Each charter  
570 school's governing board must annually hold at least three  
571 public meetings in the school district. Such meetings must be  
572 open and accessible to the public, and attendees must be  
573 provided an opportunity to receive information and provide input  
574 regarding the charter school's affairs. A quorum of the  
575 governing board members must be physically present at each  
576 meeting.

577 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

578 (a) The sponsor may choose not to renew or may terminate  
579 the charter for any of the following grounds:

580 1. Failure to participate in the state's education

20111546e1

581 accountability system created in s. 1008.31, as required in this  
582 section, or failure to meet the requirements for student  
583 performance stated in the charter.

584 2. Failure to meet generally accepted standards of fiscal  
585 management.

586 3. Violation of law.

587 4. Other good cause shown.

588 (b) Before ~~At least 90 days prior to~~ renewing or  
589 terminating a charter, the sponsor shall notify the governing  
590 body of the school of the proposed action in writing. The notice  
591 shall state in reasonable detail the grounds for the proposed  
592 action and stipulate that the school's governing body may,  
593 within 14 calendar days after receiving the notice, file a  
594 request for a an informal hearing with the sponsor pursuant to  
595 chapter 120 before the sponsor. The matter shall proceed  
596 pursuant to chapter 120. The sponsor shall conduct the informal  
597 hearing within 30 calendar days after receiving a written  
598 request.

599 (c) The final order issued by the sponsor must include the  
600 specific reasons for nonrenewal or termination of the charter  
601 and shall be provided to the charter school governing body and  
602 the Department of Education within 10 calendar days after the  
603 final order is issued. If a charter is not renewed or is  
604 terminated pursuant to paragraph (b), the sponsor shall, within  
605 10 calendar days, articulate in writing the specific reasons for  
606 its nonrenewal or termination of the charter and must provide  
607 the letter of nonrenewal or termination and documentation  
608 supporting the reasons to the charter school governing body, the  
609 charter school principal, and the Department of Education. The

20111546e1

610 charter school's governing body may, within 30 calendar days  
611 after receiving the sponsor's final order ~~written decision to~~  
612 ~~refuse to renew or to terminate the charter~~, appeal the decision  
613 pursuant to the procedure established in subsection (6).

614 (d) A charter may be terminated immediately if the sponsor  
615 determines that good cause has been shown or if the health,  
616 safety, or welfare of the students is threatened. The sponsor's  
617 determination is ~~not~~ subject to the same process as set forth in  
618 paragraphs an informal hearing under paragraph (b) and (c), with  
619 the exception that the sponsor's determination may take effect  
620 immediately or at a subsequently identified time or pursuant to  
621 ~~chapter 120~~. The sponsor shall notify in writing the charter  
622 school's governing body, the charter school principal, and the  
623 department if a charter is immediately terminated as soon as  
624 reasonably possible. The sponsor shall clearly identify the  
625 specific issues that resulted in the immediate termination and  
626 provide evidence of prior notification of issues resulting in  
627 the immediate termination when appropriate. The charter school's  
628 governing board has 10 days to request a hearing pursuant to s.  
629 120.569. The hearing in such cases shall be expedited, and the  
630 final order shall be issued no more than 45 days after the date  
631 upon which the hearing is requested. The school district in  
632 ~~which the charter school is located shall assume operation of~~  
633 ~~the school under these circumstances~~. The charter school's  
634 governing board may, within 30 days after receiving the  
635 sponsor's decision to terminate the charter, appeal the decision  
636 pursuant to the procedure established in subsection (6). The  
637 sponsor shall assume and continue operation of the school  
638 pending appeal to the State Board of Education under subsection

20111546e1

639 (6), unless the continued operation of the school would  
640 materially threaten the physical health, safety, or welfare of  
641 the students. A sponsor that fails to assume and to continue  
642 operation of the charter school is liable for attorney's fees  
643 and costs to the charter school if the charter school prevails  
644 on appeal to the State Board of Education.

645 (e) When a charter is not renewed or is terminated, the  
646 school shall be dissolved under the provisions of law under  
647 which the school was organized, and any unencumbered public  
648 funds, except for capital outlay funds and federal charter  
649 school program grant funds, from the charter school shall revert  
650 to the sponsor. Capital outlay funds provided pursuant to s.  
651 1013.62 and federal charter school program grant funds that are  
652 unencumbered shall revert to the department to be redistributed  
653 among eligible charter schools. In the event a charter school is  
654 dissolved or is otherwise terminated, all district school board  
655 property and improvements, furnishings, and equipment purchased  
656 with public funds shall automatically revert to full ownership  
657 by the district school board, subject to complete satisfaction  
658 of any lawful liens or encumbrances. Any unencumbered public  
659 funds from the charter school, district school board property  
660 and improvements, furnishings, and equipment purchased with  
661 public funds, or financial or other records pertaining to the  
662 charter school, in the possession of any person, entity, or  
663 holding company, other than the charter school, shall be held in  
664 trust upon the district school board's request, until any appeal  
665 status is resolved.

666 (f) If a charter is not renewed or is terminated, the  
667 charter school is responsible for all debts of the charter

20111546e1

668 school. The district may not assume the debt from any contract  
669 made between the governing body of the school and a third party,  
670 except for a debt that is previously detailed and agreed upon in  
671 writing by both the district and the governing body of the  
672 school and that may not reasonably be assumed to have been  
673 satisfied by the district.

674 (g) If a charter is not renewed or is terminated, a student  
675 who attended the school may apply to, and shall be enrolled in,  
676 another public school. Normal application deadlines shall be  
677 disregarded under such circumstances.

678 (9) CHARTER SCHOOL REQUIREMENTS.—

679 (a) A charter school shall be nonsectarian in its programs,  
680 admission policies, employment practices, and operations.

681 (b) A charter school shall admit students as provided in  
682 subsection (12) ~~(10)~~.

683 (c) A charter school shall be accountable to its sponsor  
684 for performance as provided in subsection (7).

685 (d) A charter school may ~~shall~~ not charge tuition or  
686 registration fees, except those fees normally charged by other  
687 public schools. However, a charter lab school may charge a  
688 student activity and service fee as authorized by s. 1002.32(5).

689 (e) A charter school shall meet all applicable state and  
690 local health, safety, and civil rights requirements.

691 (f) A charter school may ~~shall~~ not violate the  
692 antidiscrimination provisions of s. 1000.05.

693 (g) In order to provide financial information that is  
694 comparable to that reported for other public schools, charter  
695 schools are to maintain all financial records that constitute  
696 their accounting system:



20111546e1

697 1. In accordance with the accounts and codes prescribed in  
698 the most recent issuance of the publication titled "Financial  
699 and Program Cost Accounting and Reporting for Florida Schools";  
700 or

701 2. At the discretion of the charter school governing board,  
702 a charter school may elect to follow generally accepted  
703 accounting standards for not-for-profit organizations, but must  
704 reformat this information for reporting according to this  
705 paragraph.

706

707 Charter schools shall provide annual financial report and  
708 program cost report information in the state-required formats  
709 for inclusion in district reporting in compliance with s.  
710 1011.60(1). Charter schools that are operated by a municipality  
711 or are a component unit of a parent nonprofit organization may  
712 use the accounting system of the municipality or the parent but  
713 must reformat this information for reporting according to this  
714 paragraph. A charter school shall provide a monthly financial  
715 statement to the sponsor; however, if the charter school is  
716 designated as a high-performing charter school under subsection  
717 (10) or is part of a high-performing charter school system under  
718 subsection (11), it shall provide a quarterly financial  
719 statement. The ~~monthly~~ financial statement required under this  
720 paragraph shall be in a form prescribed by the Department of  
721 Education.

722 (h) The governing board of the charter school shall  
723 annually adopt and maintain an operating budget.

724 (i) The governing body of the charter school shall exercise  
725 continuing oversight over charter school operations.

20111546e1

726 (j) The governing body of the charter school shall be  
727 responsible for:

728 1. Ensuring that the charter school has retained the  
729 services of a certified public accountant or auditor for the  
730 annual financial audit, pursuant to s. 1002.345(2), who shall  
731 submit the report to the governing body.

732 2. Reviewing and approving the audit report, including  
733 audit findings and recommendations for the financial recovery  
734 plan.

735 3.a. Performing the duties in s. 1002.345, including  
736 monitoring a corrective action plan.

737 b. Monitoring a financial recovery plan in order to ensure  
738 compliance.

739 4. Participating in governance training approved by the  
740 department which must include government in the sunshine,  
741 conflicts of interest, ethics, and financial responsibility.

742 (k) The governing body of the charter school shall report  
743 its progress annually to its sponsor, which shall forward the  
744 report to the Commissioner of Education at the same time as  
745 other annual school accountability reports. The Department of  
746 Education shall develop a uniform, online annual accountability  
747 report to be completed by charter schools. This report shall be  
748 easy to utilize and contain demographic information, student  
749 performance data, and financial accountability information. A  
750 charter school shall not be required to provide information and  
751 data that is duplicative and already in the possession of the  
752 department. The Department of Education shall include in its  
753 compilation a notation if a school failed to file its report by  
754 the deadline established by the department. The report shall

20111546e1

755 include at least the following components:

756 1. Student achievement performance data, including the  
757 information required for the annual school report and the  
758 education accountability system governed by ss. 1008.31 and  
759 1008.345. Charter schools are subject to the same accountability  
760 requirements as other public schools, including reports of  
761 student achievement information that links baseline student data  
762 to the school's performance projections identified in the  
763 charter. The charter school shall identify reasons for any  
764 difference between projected and actual student performance.

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

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

772 4. Descriptive information about the charter school's  
773 personnel, including salary and benefit levels of charter school  
774 employees, the proportion of instructional personnel who hold  
775 professional or temporary certificates, and the proportion of  
776 instructional personnel teaching in-field or out-of-field.

777 (l) A charter school shall not levy taxes or issue bonds  
778 secured by tax revenues.

779 (m) A charter school shall provide instruction for at least  
780 the number of days required by law for other public schools and  
781 may provide instruction for additional days.

782 (n) The director and a representative of the governing body  
783 of a charter school that has received a school grade of "D"

20111546e1

784 under s. 1008.34(2) shall appear before the sponsor or the  
785 sponsor's staff at least once a year to present information  
786 concerning each contract component having noted deficiencies.  
787 The sponsor shall communicate at the meeting, and in writing to  
788 the director, the services provided to the school to help the  
789 school address its deficiencies.

790 (o) Upon notification that a charter school receives a  
791 school grade of "D" for 2 consecutive years or a school grade of  
792 "F" under s. 1008.34(2), the charter school sponsor or the  
793 sponsor's staff shall require the director and a representative  
794 of the governing body to submit to the sponsor for approval a  
795 school improvement plan to raise student achievement and to  
796 implement the plan. The sponsor has the authority to approve a  
797 school improvement plan that the charter school will implement  
798 in the following school year. The sponsor may also consider the  
799 State Board of Education's recommended action pursuant to s.  
800 1008.33(1) as part of the school improvement plan. The  
801 Department of Education shall offer technical assistance and  
802 training to the charter school and its governing body and  
803 establish guidelines for developing, submitting, and approving  
804 such plans.

805 1. If the charter school fails to improve its student  
806 performance from the year immediately prior to the  
807 implementation of the school improvement plan, the sponsor shall  
808 place the charter school on probation and shall require the  
809 charter school governing body to take one of the following  
810 corrective actions:

811 a. Contract for the educational services of the charter  
812 school;

20111546e1

813           b. Reorganize the school at the end of the school year  
814 under a new director or principal who is authorized to hire new  
815 staff and implement a plan that addresses the causes of  
816 inadequate progress; or

817           c. Reconstitute the charter school.

818           2. A charter school that is placed on probation shall  
819 continue the corrective actions required under subparagraph 1.  
820 until the charter school improves its student performance from  
821 the year prior to the implementation of the school improvement  
822 plan.

823           3. Notwithstanding any provision of this paragraph, the  
824 sponsor may terminate the charter at any time pursuant to  
825 subsection (8).

826           (p) The director and a representative of the governing body  
827 of a graded charter school that has submitted a school  
828 improvement plan or has been placed on probation under paragraph  
829 (o) shall appear before the sponsor or the sponsor's staff at  
830 least once a year to present information regarding the  
831 corrective strategies that are being implemented by the school  
832 pursuant to the school improvement plan. The sponsor shall  
833 communicate at the meeting, and in writing to the director, the  
834 services provided to the school to help the school address its  
835 deficiencies.

836           (10) HIGH-PERFORMING CHARTER SCHOOLS.-

837           (a) A charter school shall be designated as a high-  
838 performing charter school if:

839           1. During each of the previous 3 years the charter school:

840           a. Received a school grade of "A" or "B";

841           b. Received an unqualified opinion on each financial audit

20111546e1

842 required under s. 218.39; and

843 c. Did not receive a financial audit that revealed one or  
844 more of the conditions set forth in s. 218.503(1); however, the  
845 condition is deemed met for a charter school-in-the-workplace if  
846 there is a finding in an audit that the school has the monetary  
847 resources available to cover any reported deficiency or that the  
848 deficiency does not result in a deteriorating financial  
849 condition pursuant to s. 1002.345(1) (a) 3.

850 2. The charter school has been in operation for less than 3  
851 years and is operated by a high-performing charter school system  
852 pursuant to subsection (11). These charter schools may receive  
853 capital outlay funds in their first year pursuant to s. 1013.62  
854 and are not required to comply with s. 1013.62(1) (a)1.-3.

855 (b) If the charter school maintains compliance with s.  
856 1002.33(18) (b) 3., a high-performing charter school may:

857 1. Increase the school's student enrollment once per year  
858 by up to 25 percent more than the capacity authorized pursuant  
859 to paragraph (12) (i).

860 2. Expand to any grade level within kindergarten through  
861 grade 12, if not already serving such grades.

862 3. Offer voluntary prekindergarten education pursuant to  
863 ss. 1002.51-1002.79.

864 (c) A high-performing charter school shall receive a 15-  
865 year charter renewal upon expiration of the current charter.

866 (d) The high-performing charter school designation shall be  
867 removed if the charter school does not continue to meet the  
868 requirements in paragraph (a).

869 (11) HIGH-PERFORMING CHARTER SCHOOL SYSTEM.—

870 (a)1. For purposes of this subsection, the term:

20111546e1

871 a. "Entity" means a municipality or other public entity as  
872 authorized by law to operate a charter school; a private, not-  
873 for-profit, s. 501(c)(3) status corporation; or a private, for-  
874 profit corporation.

875 b. "High-performing charter school system" means an entity  
876 that:

877 (I) Operates at least three high-performing charter schools  
878 in this state;

879 (II) Has received a systemwide average grade of "A" or "B"  
880 during the previous 3 years for all charter schools created or  
881 started by the entity;

882 (III) Has not received a financial audit for any school  
883 created or started by the entity which reveals one or more of  
884 the conditions set forth in s. 218.503(1); and

885 (IV) Has not received a school grade of "F" during any of  
886 the previous 2 years for any charter school operated by the  
887 entity in the state, except for a charter school taken over or  
888 managed by, but not created or started by, the entity, in which  
889 case the entity loses its high-performing designation if the  
890 charter school receives a school grade of "F" in 3 out of 5  
891 years.

892 (b) A high-performing charter school system may apply to  
893 establish and operate a new charter school in any district in  
894 the state which will substantially replicate one or more of the  
895 provider's existing high-performing charter schools.

896 1. A local school district may deny a charter application  
897 from an operator of a high-performing charter school system only  
898 if good cause is shown that the operator fails to materially  
899 meet established charter school requirements pursuant to

20111546e1

900 subsection (9). The charter applicant may appeal, as provided in  
901 subsection (6). The district is liable to the charter applicant  
902 for attorney's fees and costs if the charter applicant prevails  
903 on appeal. The State Board of Education may additionally  
904 sanction the district with any penalties under s. 1008.32(4) if  
905 the state board determines that the district has a pattern of  
906 unlawfully denying a high-performing charter system from  
907 replicating a high-performing charter school.

908 2. The new charter school shall receive an initial charter  
909 for a term of 15 years, shall be designated as a high-performing  
910 charter school for the first 3 years of the charter, and shall  
911 receive charter school capital outlay funds under s. 1013.62.  
912 The school is not required to comply with s. 1013.62(1)(a)1.-3.,  
913 but must comply with any other requirements in s. 1013.62 to  
914 receive charter school capital outlay funds as provided in this  
915 subparagraph.

916 3. The designation as a high-performing charter school  
917 system shall be removed if the system does not continue to meet  
918 the requirements in paragraph (a).

919  
920 This paragraph does not waive a district school board's  
921 sovereign immunity.

922 (12) ~~(10)~~ ELIGIBLE STUDENTS.-

923 (a) A charter school shall be open to any student covered  
924 in an interdistrict agreement or residing in the school district  
925 in which the charter school is located; however, in the case of  
926 a charter lab school, the charter lab school shall be open to  
927 any student eligible to attend the lab school as provided in s.  
928 1002.32 or who resides in the school district in which the



20111546e1

929 charter lab school is located. Any eligible student shall be  
930 allowed interdistrict transfer to attend a charter school when  
931 based on good cause. Good cause shall include, but is not  
932 limited to, geographic proximity to a charter school in a  
933 neighboring school district.

934 (b) The charter school shall enroll an eligible student who  
935 submits a timely application, unless the number of applications  
936 exceeds the capacity of a program, class, grade level, or  
937 building. In such case, all applicants shall have an equal  
938 chance of being admitted through a random selection process.

939 (c) When a public school converts to charter status,  
940 enrollment preference shall be given to students who would have  
941 otherwise attended that public school. The district school board  
942 shall consult and negotiate with the conversion charter school  
943 every 3 years to determine whether realignment of the conversion  
944 charter school's attendance zone is appropriate in order to  
945 ensure that students residing closest to the charter school are  
946 provided with an enrollment preference.

947 (d) A charter school may give enrollment preference to the  
948 following student populations:

949 1. Students who are siblings of a student enrolled in the  
950 charter school.

951 2. Students who are the children of a member of the  
952 governing board of the charter school.

953 3. Students who are the children of an employee of the  
954 charter school.

955 4. Students who are the children of:

956 a. An employee of a business partner, or a resident of a  
957 municipality, who complies with paragraph (17)(b) for a charter

20111546e1

958 school-in-the-workplace; or

959 b. A resident of a municipality that operates a charter  
960 school-in-a-municipality pursuant to paragraph (17) (c).

961 5. Students enrolling in a charter school-in-the-workplace  
962 or charter school-in-a-municipality established pursuant to this  
963 section.

964 6. Students who are the children of an active-duty member  
965 of any branch of the United States Armed Forces.

966 (e) A charter school may limit the enrollment process only  
967 to target the following student populations:

968 1. Students within specific age groups or grade levels.

969 2. Students considered at risk of dropping out of school or  
970 academic failure. Such students shall include exceptional  
971 education students.

972 3. Students enrolling in a charter school-in-the-workplace  
973 or charter school-in-a-municipality established pursuant to  
974 subsection (17) ~~(15)~~.

975 4. Students residing within a reasonable distance of the  
976 charter school, as described in paragraph (22) (c) ~~(20) (e)~~. Such  
977 students are ~~shall be~~ subject to a random lottery and to the  
978 racial/ethnic balance provisions described in subparagraph  
979 (7) (a) 8. or any federal provisions that require a school to  
980 achieve a racial/ethnic balance reflective of the community it  
981 serves or within the racial/ethnic range of other public schools  
982 in the same school district.

983 5. Students who meet reasonable academic, artistic, or  
984 other eligibility standards established by the charter school  
985 and included in the charter school application and charter or,  
986 in the case of existing charter schools, standards that are

20111546e1

987 consistent with the school's mission and purpose. Such standards  
988 shall be in accordance with current state law and practice in  
989 public schools and may not discriminate against otherwise  
990 qualified individuals.

991 6. Students articulating from one charter school to another  
992 pursuant to an articulation agreement between the charter  
993 schools that has been approved by the sponsor.

994 (f) Students with disabilities and students served in  
995 English for Speakers of Other Languages programs shall have an  
996 equal opportunity of being selected for enrollment in a charter  
997 school.

998 (g) A student may withdraw from a charter school at any  
999 time and enroll in another public school as determined by  
1000 district school board rule.

1001 (h) The capacity of the charter school shall be determined  
1002 annually by the governing board, in conjunction with the  
1003 sponsor, of the charter school in consideration of the factors  
1004 identified in this subsection unless the charter school is  
1005 designated as a high-performing charter school under subsection  
1006 (10). A sponsor may not require a charter school to waive the  
1007 provisions in paragraph (10) (b) or require a student enrollment  
1008 cap that prohibits a high-performing charter school from  
1009 increasing enrollment in accordance with paragraph (10) (b) as a  
1010 condition of approval or renewal of a charter.

1011 (i) The capacity of a high-performing charter school  
1012 pursuant to subsection (10) shall be determined annually by the  
1013 governing board of the charter school. The governing board shall  
1014 notify the sponsor of any increase in enrollment by March 1 of  
1015 the school year preceding the increase.

20111546e1

1016        (13)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
1017 ACTIVITIES.—A charter school student is eligible to participate  
1018 in an interscholastic extracurricular activity at the public  
1019 school to which the student would be otherwise assigned to  
1020 attend pursuant to s. 1006.15(3)(d).

1021        (14)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

1022        (a) A charter school shall select its own employees. A  
1023 charter school may contract with its sponsor for the services of  
1024 personnel employed by the sponsor.

1025        (b) Charter school employees shall have the option to  
1026 bargain collectively. Employees may collectively bargain as a  
1027 separate unit or as part of the existing district collective  
1028 bargaining unit as determined by the structure of the charter  
1029 school.

1030        (c) The employees of a conversion charter school shall  
1031 remain public employees for all purposes, unless such employees  
1032 choose not to do so.

1033        (d) The teachers at a charter school may choose to be part  
1034 of a professional group that subcontracts with the charter  
1035 school to operate the instructional program under the auspices  
1036 of a partnership or cooperative that they collectively own.  
1037 Under this arrangement, the teachers would not be public  
1038 employees.

1039        (e) Employees of a school district may take leave to accept  
1040 employment in a charter school upon the approval of the district  
1041 school board. While employed by the charter school and on leave  
1042 that is approved by the district school board, the employee may  
1043 retain seniority accrued in that school district and may  
1044 continue to be covered by the benefit programs of that school

20111546e1

1045 district, if the charter school and the district school board  
1046 agree to this arrangement and its financing. School districts  
1047 may ~~shall~~ not require resignations from instructional personnel,  
1048 school administrators, or educational support employees who  
1049 desire employment ~~of teachers desiring to teach~~ in a charter  
1050 school. This paragraph does ~~shall~~ not prohibit a district school  
1051 board from approving alternative leave arrangements consistent  
1052 with chapter 1012.

1053 (f) Teachers employed by or under contract to a charter  
1054 school shall be certified as required by chapter 1012. A charter  
1055 school governing board may employ or contract with skilled  
1056 selected noncertified personnel to provide instructional  
1057 services or to assist instructional staff members as education  
1058 paraprofessionals in the same manner as defined in chapter 1012,  
1059 and as provided by State Board of Education rule for charter  
1060 school governing boards. A charter school may not knowingly  
1061 employ an individual to provide instructional services or to  
1062 serve as an education paraprofessional if the individual's  
1063 certification or licensure as an educator is suspended or  
1064 revoked by this or any other state. A charter school may not  
1065 knowingly employ an individual who has resigned from a school  
1066 district in lieu of disciplinary action with respect to child  
1067 welfare or safety, or who has been dismissed for just cause by  
1068 any school district with respect to child welfare or safety. The  
1069 qualifications of teachers shall be disclosed to parents.

1070 (g)1. A charter school shall employ or contract with  
1071 employees who have undergone background screening as provided in  
1072 s. 1012.32. Members of the governing board of the charter school  
1073 shall also undergo background screening in a manner similar to

20111546e1

1074 that provided in s. 1012.32.

1075 2. A charter school shall disqualify instructional  
1076 personnel and school administrators, as defined in s. 1012.01,  
1077 from employment in any position that requires direct contact  
1078 with students if the personnel or administrators are ineligible  
1079 for such employment under s. 1012.315.

1080 3. The governing board of a charter school shall adopt  
1081 policies establishing standards of ethical conduct for  
1082 instructional personnel and school administrators. The policies  
1083 must require all instructional personnel and school  
1084 administrators, as defined in s. 1012.01, to complete training  
1085 on the standards; establish the duty of instructional personnel  
1086 and school administrators to report, and procedures for  
1087 reporting, alleged misconduct by other instructional personnel  
1088 and school administrators which affects the health, safety, or  
1089 welfare of a student; and include an explanation of the  
1090 liability protections provided under ss. 39.203 and 768.095. A  
1091 charter school, or any of its employees, may not enter into a  
1092 confidentiality agreement regarding terminated or dismissed  
1093 instructional personnel or school administrators, or personnel  
1094 or administrators who resign in lieu of termination, based in  
1095 whole or in part on misconduct that affects the health, safety,  
1096 or welfare of a student, and may not provide instructional  
1097 personnel or school administrators with employment references or  
1098 discuss the personnel's or administrators' performance with  
1099 prospective employers in another educational setting, without  
1100 disclosing the personnel's or administrators' misconduct. Any  
1101 part of an agreement or contract that has the purpose or effect  
1102 of concealing misconduct by instructional personnel or school

20111546e1

1103 administrators which affects the health, safety, or welfare of a  
1104 student is void, is contrary to public policy, and may not be  
1105 enforced.

1106 4. Before employing instructional personnel or school  
1107 administrators in any position that requires direct contact with  
1108 students, a charter school shall conduct employment history  
1109 checks of each of the personnel's or administrators' previous  
1110 employers, screen the instructional personnel or school  
1111 administrators through use of the educator screening tools  
1112 described in s. 1001.10(5), and document the findings. If unable  
1113 to contact a previous employer, the charter school must document  
1114 efforts to contact the employer.

1115 5. The sponsor of a charter school that knowingly fails to  
1116 comply with this paragraph shall terminate the charter under  
1117 subsection (8).

1118 (h) For the purposes of tort liability, the governing body  
1119 and employees of a charter school shall be governed by s.  
1120 768.28.

1121 (i) A charter school shall organize as, or be operated by,  
1122 a nonprofit organization. A charter school may be operated by a  
1123 municipality or other public entity as provided for by law. As  
1124 such, the charter school may be either a private or a public  
1125 employer. As a public employer, a charter school may participate  
1126 in the Florida Retirement System upon application and approval  
1127 as a "covered group" under s. 121.021(34). If a charter school  
1128 participates in the Florida Retirement System, the charter  
1129 school employees shall be compulsory members of the Florida  
1130 Retirement System. As either a private or a public employer, a  
1131 charter school may contract for services with an individual or

20111546e1

1132 group of individuals who are organized as a partnership or a  
1133 cooperative. Individuals or groups of individuals who contract  
1134 their services to the charter school are not public employees.

1135 (15)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may  
1136 enter into cooperative agreements to form charter school  
1137 cooperative organizations that may provide the following  
1138 services: charter school planning and development, direct  
1139 instructional services, and contracts with charter school  
1140 governing boards to provide personnel administrative services,  
1141 payroll services, human resource management, evaluation and  
1142 assessment services, teacher preparation, and professional  
1143 development.

1144 (16)~~(14)~~ CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
1145 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
1146 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to  
1147 borrow or otherwise secure funds for a charter school authorized  
1148 in this section from a source other than the state or a school  
1149 district shall indemnify the state and the school district from  
1150 any and all liability, including, but not limited to, financial  
1151 responsibility for the payment of the principal or interest. Any  
1152 loans, bonds, or other financial agreements are not obligations  
1153 of the state or the school district but are obligations of the  
1154 charter school authority and are payable solely from the sources  
1155 of funds pledged by such agreement. The credit or taxing power  
1156 of the state or the school district shall not be pledged and no  
1157 debts shall be payable out of any moneys except those of the  
1158 legal entity in possession of a valid charter approved by a  
1159 district school board pursuant to this section.

1160 (17)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-



20111546e1

1161 IN-A-MUNICIPALITY.—

1162 (a) In order to increase business partnerships in  
1163 education, to reduce school and classroom overcrowding  
1164 throughout the state, and to offset the high costs for  
1165 educational facilities construction, the Legislature intends to  
1166 encourage the formation of business partnership schools or  
1167 satellite learning centers and municipal-operated schools  
1168 through charter school status.

1169 (b) A charter school-in-the-workplace may be established  
1170 when a business partner provides the school facility to be used;  
1171 enrolls students based upon a random lottery that involves all  
1172 of the children of employees of that business or corporation or  
1173 residents of that municipality who are seeking enrollment, as  
1174 provided for in subsection (12) ~~(10)~~; and enrolls students  
1175 according to the racial/ethnic balance provisions described in  
1176 subparagraph (7)(a)8. A municipality may be a business partner  
1177 notwithstanding paragraph (c). Any portion of a facility used  
1178 for a public charter school shall be exempt from ad valorem  
1179 taxes, as provided for in s. 1013.54, for the duration of its  
1180 use as a public school.

1181 (c) A charter school-in-a-municipality designation may be  
1182 granted to a municipality that possesses a charter; enrolls  
1183 students based upon a random lottery that involves all of the  
1184 children of the residents of that municipality who are seeking  
1185 enrollment, as provided for in subsection (12) ~~(10)~~; and enrolls  
1186 students according to the racial/ethnic balance provisions  
1187 described in subparagraph (7)(a)8. When a municipality has  
1188 submitted charter applications for the establishment of a  
1189 charter school feeder pattern, consisting of elementary, middle,

20111546e1

1190 and senior high schools, and each individual charter application  
1191 is approved by the district school board, such schools shall  
1192 then be designated as one charter school for all purposes listed  
1193 pursuant to this section. Any portion of the land and facility  
1194 used for a public charter school shall be exempt from ad valorem  
1195 taxes, as provided for in s. 1013.54, for the duration of its  
1196 use as a public school.

1197 (d) As used in this subsection, the terms "business  
1198 partner" or "municipality" may include more than one business or  
1199 municipality to form a charter school-in-the-workplace or  
1200 charter school-in-a-municipality.

1201 (18)~~(16)~~ EXEMPTION FROM STATUTES.—

1202 (a) A charter school shall operate in accordance with its  
1203 charter and shall be exempt from all statutes in chapters 1000-  
1204 1013. However, a charter school shall be in compliance with the  
1205 following statutes in chapters 1000-1013:

1206 1. Those statutes specifically applying to charter schools,  
1207 including this section.

1208 2. Those statutes pertaining to the student assessment  
1209 program and school grading system.

1210 3. Those statutes pertaining to the provision of services  
1211 to students with disabilities.

1212 4. Those statutes pertaining to civil rights, including s.  
1213 1000.05, relating to discrimination.

1214 5. Those statutes pertaining to student health, safety, and  
1215 welfare.

1216 (b) Additionally, a charter school shall be in compliance  
1217 with the following statutes:

1218 1. Section 286.011, relating to public meetings and

20111546e1

1219 records, public inspection, and criminal and civil penalties.

1220 2. Chapter 119, relating to public records.

1221 3. Section 1003.03, relating to the maximum class size,  
1222 except that the calculation for compliance pursuant to s.  
1223 1003.03 shall be the average at the school level.

1224 (19)~~(17)~~ FUNDING.—Students enrolled in a charter school,  
1225 regardless of the sponsorship, shall be funded as if they are in  
1226 a basic program or a special program, the same as students  
1227 enrolled in other public schools in the school district. Funding  
1228 for a charter lab school shall be as provided in s. 1002.32.

1229 (a) Each charter school shall report its student enrollment  
1230 to the sponsor as required in s. 1011.62, and in accordance with  
1231 the definitions in s. 1011.61. The sponsor shall include each  
1232 charter school's enrollment in the district's report of student  
1233 enrollment. All charter schools submitting student record  
1234 information required by the Department of Education shall comply  
1235 with the Department of Education's guidelines for electronic  
1236 data formats for such data, and all districts shall accept  
1237 electronic data that complies with the Department of Education's  
1238 electronic format.

1239 (b) The basis for the agreement for funding students  
1240 enrolled in a charter school shall be the sum of the school  
1241 district's operating funds from the Florida Education Finance  
1242 Program as provided in s. 1011.62 and the General Appropriations  
1243 Act, including gross state and local funds, discretionary  
1244 lottery funds, and funds from the school district's current  
1245 operating discretionary millage levy; divided by total funded  
1246 weighted full-time equivalent students in the school district;  
1247 multiplied by the weighted full-time equivalent students for the

20111546e1

1248 charter school. Charter schools whose students or programs meet  
1249 the eligibility criteria in law shall be entitled to their  
1250 proportionate share of categorical program funds included in the  
1251 total funds available in the Florida Education Finance Program  
1252 by the Legislature, including transportation. Total funding for  
1253 each charter school shall be recalculated during the year to  
1254 reflect the revised calculations under the Florida Education  
1255 Finance Program by the state and the actual weighted full-time  
1256 equivalent students reported by the charter school during the  
1257 full-time equivalent student survey periods designated by the  
1258 Commissioner of Education.

1259 (c) If the district school board is providing programs or  
1260 services to students funded by federal funds, any eligible  
1261 students enrolled in charter schools in the school district  
1262 shall be provided federal funds for the same level of service  
1263 provided students in the schools operated by the district school  
1264 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
1265 charter schools shall receive all federal funding for which the  
1266 school is otherwise eligible, including Title I funding, not  
1267 later than 5 months after the charter school first opens and  
1268 within 5 months after any subsequent expansion of enrollment.

1269 (d) Charter schools shall be included by the Department of  
1270 Education and the district school board in requests for federal  
1271 stimulus funds in the same manner as district school board-  
1272 operated public schools, including Title I and IDEA funds and  
1273 shall be entitled to receive such funds. Charter schools are  
1274 eligible to participate in federal competitive grants that are  
1275 available as part of the federal stimulus funds.

1276 (e) District school boards shall make timely and efficient

20111546e1

1277 payment and reimbursement to charter schools, including  
1278 processing paperwork required to access special state and  
1279 federal funding for which they may be eligible. The district  
1280 school board may distribute funds to a charter school for up to  
1281 3 months based on the projected full-time equivalent student  
1282 membership of the charter school. Thereafter, the results of  
1283 full-time equivalent student membership surveys shall be used in  
1284 adjusting the amount of funds distributed monthly to the charter  
1285 school for the remainder of the fiscal year. The payment shall  
1286 be issued no later than 10 working days after the district  
1287 school board receives a distribution of state or federal funds.  
1288 If a warrant for payment is not issued within 10 working days  
1289 after receipt of funding by the district school board, the  
1290 school district shall pay to the charter school, in addition to  
1291 the amount of the scheduled disbursement, interest at a rate of  
1292 1 percent per month calculated on a daily basis on the unpaid  
1293 balance from the expiration of the 10 working days until such  
1294 time as the warrant is issued.

1295 (20)~~(18)~~ FACILITIES.—

1296 (a) A startup charter school shall utilize facilities which  
1297 comply with the Florida Building Code pursuant to chapter 553  
1298 except for the State Requirements for Educational Facilities.  
1299 Conversion charter schools shall utilize facilities that comply  
1300 with the State Requirements for Educational Facilities provided  
1301 that the school district and the charter school have entered  
1302 into a mutual management plan for the reasonable maintenance of  
1303 such facilities. The mutual management plan shall contain a  
1304 provision by which the district school board agrees to maintain  
1305 charter school facilities in the same manner as its other public

20111546e1

1306 schools within the district. Charter schools, with the exception  
1307 of conversion charter schools, are not required to comply, but  
1308 may choose to comply, with the State Requirements for  
1309 Educational Facilities of the Florida Building Code adopted  
1310 pursuant to s. 1013.37. The local governing authority shall not  
1311 adopt or impose local building requirements or restrictions that  
1312 are more stringent than those found in the Florida Building  
1313 Code. The agency having jurisdiction for inspection of a  
1314 facility and issuance of a certificate of occupancy shall be the  
1315 local municipality or, if in an unincorporated area, the county  
1316 governing authority.

1317 (b) A charter school shall utilize facilities that comply  
1318 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
1319 as adopted by the authority in whose jurisdiction the facility  
1320 is located as provided in paragraph (a).

1321 (c) Any facility, or portion thereof, used to house a  
1322 charter school whose charter has been approved by the sponsor  
1323 and the governing board, pursuant to subsection (7), shall be  
1324 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
1325 community service, museum, performing arts, theatre, cinema,  
1326 church, community college, college, and university facilities  
1327 may provide space to charter schools within their facilities  
1328 under their preexisting zoning and land use designations.

1329 (d) Charter school facilities are exempt from assessments  
1330 of fees for building permits, except as provided in s. 553.80;  
1331 fees for building and occupational licenses; impact fees or  
1332 exactions; service availability fees; and assessments for  
1333 special benefits.

1334 (e) If a district school board facility or property is

20111546e1

1335 available because it is surplus, marked for disposal, or  
1336 otherwise unused, it shall be provided for a charter school's  
1337 use on the same basis as it is made available to other public  
1338 schools in the district. A charter school receiving property  
1339 from the school district may not sell or dispose of such  
1340 property without written permission of the school district.  
1341 Similarly, for an existing public school converting to charter  
1342 status, no rental or leasing fee for the existing facility or  
1343 for the property normally inventoried to the conversion school  
1344 may be charged by the district school board to the parents and  
1345 teachers organizing the charter school. The charter school shall  
1346 agree to reasonable maintenance provisions in order to maintain  
1347 the facility in a manner similar to district school board  
1348 standards. The Public Education Capital Outlay maintenance funds  
1349 or any other maintenance funds generated by the facility  
1350 operated as a conversion school shall remain with the conversion  
1351 school.

1352 (f) To the extent that charter school facilities are  
1353 specifically created to mitigate the educational impact created  
1354 by the development of new residential dwelling units, pursuant  
1355 to subparagraph (2)(c)4., some of or all of the educational  
1356 impact fees required to be paid in connection with the new  
1357 residential dwelling units may be designated instead for the  
1358 construction of the charter school facilities that will mitigate  
1359 the student station impact. Such facilities shall be built to  
1360 the State Requirements for Educational Facilities and shall be  
1361 owned by a public or nonprofit entity. The local school district  
1362 retains the right to monitor and inspect such facilities to  
1363 ensure compliance with the State Requirements for Educational

20111546e1

1364 Facilities. If a facility ceases to be used for public  
1365 educational purposes, either the facility shall revert to the  
1366 school district subject to any debt owed on the facility, or the  
1367 owner of the facility shall have the option to refund all  
1368 educational impact fees utilized for the facility to the school  
1369 district. The district and the owner of the facility may  
1370 contractually agree to another arrangement for the facilities if  
1371 the facilities cease to be used for educational purposes. The  
1372 owner of property planned or approved for new residential  
1373 dwelling units and the entity levying educational impact fees  
1374 shall enter into an agreement that designates the educational  
1375 impact fees that will be allocated for the charter school  
1376 student stations and that ensures the timely construction of the  
1377 charter school student stations concurrent with the expected  
1378 occupancy of the residential units. The application for use of  
1379 educational impact fees shall include an approved charter school  
1380 application. To assist the school district in forecasting  
1381 student station needs, the entity levying the impact fees shall  
1382 notify the affected district of any agreements it has approved  
1383 for the purpose of mitigating student station impact from the  
1384 new residential dwelling units.

1385 (g) Each school district shall annually provide to the  
1386 Department of Education as part of its 5-year work plan the  
1387 number of existing vacant classrooms in each school that the  
1388 district does not intend to use or does not project will be  
1389 needed for educational purposes for the following school year.  
1390 The department may recommend that a district make such space  
1391 available to an appropriate charter school.

1392 (21) ~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are



20111546e1

1393 eligible for capital outlay funds pursuant to s. 1013.62.  
1394 Capital outlay funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62  
1395 which that have been shared with a charter school-in-the-  
1396 workplace prior to July 1, 2010, are deemed to have met the  
1397 authorized expenditure requirements for such funds.

1398 (22)~~(20)~~ SERVICES.—

1399 (a)1. A sponsor shall provide certain administrative and  
1400 educational services to charter schools. These services shall  
1401 include contract management services; full-time equivalent and  
1402 data reporting services; exceptional student education  
1403 administration services; services related to eligibility and  
1404 reporting duties required to ensure that school lunch services  
1405 under the federal lunch program, consistent with the needs of  
1406 the charter school, are provided by the school district at the  
1407 request of the charter school, that any funds due to the charter  
1408 school under the federal lunch program be paid to the charter  
1409 school as soon as the charter school begins serving food under  
1410 the federal lunch program, and that the charter school is paid  
1411 at the same time and in the same manner under the federal lunch  
1412 program as other public schools serviced by the sponsor or the  
1413 school district; test administration services, including payment  
1414 of the costs of state-required or district-required student  
1415 assessments; processing of teacher certificate data services;  
1416 and information services, including equal access to student  
1417 information systems that are used by public schools in the  
1418 district in which the charter school is located. Student  
1419 performance data for each student in a charter school,  
1420 including, but not limited to, FCAT scores, standardized test  
1421 scores, previous public school student report cards, and student

20111546e1

1422 performance measures, shall be provided by the sponsor to a  
1423 charter school in the same manner provided to other public  
1424 schools in the district.

1425 2. A total administrative fee for the provision of such  
1426 services shall be calculated based upon up to 5 percent of the  
1427 available funds defined in paragraph (19) (b) ~~(17) (b)~~ for all  
1428 students. However, a sponsor may only withhold up to a 5-percent  
1429 administrative fee for enrollment for up to and including 250  
1430 students. For charter schools with a population of 251 or more  
1431 students, the difference between the total administrative fee  
1432 calculation and the amount of the administrative fee withheld  
1433 may only be used for capital outlay purposes specified in s.  
1434 1013.62(2).

1435 3. In addition, a sponsor may withhold only up to a 5-  
1436 percent administrative fee for enrollment for up to and  
1437 including 500 students within a system of charter schools which  
1438 meets all of the following:

- 1439 a. Includes both conversion charter schools and  
1440 nonconversion charter schools;
- 1441 b. Has all schools located in the same county;
- 1442 c. Has a total enrollment exceeding the total enrollment of  
1443 at least one school district in the state;
- 1444 d. Has the same governing board; and
- 1445 e. Does not contract with a for-profit service provider for  
1446 management of school operations.

1447 4. The difference between the total administrative fee  
1448 calculation and the amount of the administrative fee withheld  
1449 pursuant to subparagraph 3. may be used for instructional and  
1450 administrative purposes as well as for capital outlay purposes

20111546e1

1451 specified in s. 1013.62(2).

1452       5. Each charter school shall receive 100 percent of the  
1453 funds awarded to that school pursuant to s. 1012.225. Sponsors  
1454 shall not charge charter schools any additional fees or  
1455 surcharges for administrative and educational services in  
1456 addition to the maximum 5-percent administrative fee withheld  
1457 pursuant to this paragraph.

1458       (b) If goods and services are made available to the charter  
1459 school through the contract with the school district, they shall  
1460 be provided to the charter school at a rate no greater than the  
1461 district's actual cost unless mutually agreed upon by the  
1462 charter school and the sponsor in a contract negotiated  
1463 separately from the charter. When mediation has failed to  
1464 resolve disputes over contracted services or contractual matters  
1465 not included in the charter, an appeal may be made for a dispute  
1466 resolution hearing before the Charter School Appeal Commission.  
1467 To maximize the use of state funds, school districts shall allow  
1468 charter schools to participate in the sponsor's bulk purchasing  
1469 program if applicable.

1470       (c) Transportation of charter school students shall be  
1471 provided by the charter school consistent with the requirements  
1472 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1473 body of the charter school may provide transportation through an  
1474 agreement or contract with the district school board, a private  
1475 provider, or parents. The charter school and the sponsor shall  
1476 cooperate in making arrangements that ensure that transportation  
1477 is not a barrier to equal access for all students residing  
1478 within a reasonable distance of the charter school as determined  
1479 in its charter.

20111546e1

1480 (23)~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.-

1481 (a) The Department of Education shall provide information  
1482 to the public, directly and through sponsors, on how to form and  
1483 operate a charter school and how to enroll in a charter school  
1484 once it is created. This information must ~~shall~~ include a  
1485 standard application format, charter format, evaluation  
1486 instrument, and charter renewal format, which must ~~shall~~ include  
1487 the information specified in subsection (7) and shall be  
1488 developed by consulting and negotiating with both school  
1489 districts and charter schools before implementation. The charter  
1490 and charter renewal formats shall be used by charter school  
1491 sponsors.

1492 (b)1. The Department of Education shall report student  
1493 assessment data pursuant to s. 1008.34(3)(c) which is reported  
1494 to schools that receive a school grade or student assessment  
1495 data pursuant to s. 1008.341(3) which is reported to alternative  
1496 schools that receive a school improvement rating to each charter  
1497 school that:

1498 a. Does not receive a school grade pursuant to s. 1008.34  
1499 or a school improvement rating pursuant to s. 1008.341; and

1500 b. Serves at least 10 students who are tested on the  
1501 statewide assessment test pursuant to s. 1008.22.

1502 2. The charter school shall report the information in  
1503 subparagraph 1. to each parent of a student at the charter  
1504 school, the parent of a child on a waiting list for the charter  
1505 school, the district in which the charter school is located, and  
1506 the governing board of the charter school. This paragraph does  
1507 not abrogate the provisions of s. 1002.22, relating to student  
1508 records, or the requirements of 20 U.S.C. s. 1232g, the Family

20111546e1

1509 Educational Rights and Privacy Act.

1510 3.a. Pursuant to this paragraph, the Department of  
1511 Education shall compare the charter school student performance  
1512 data for each charter school in subparagraph 1. with the student  
1513 performance data in traditional public schools in the district  
1514 in which the charter school is located and other charter schools  
1515 in the state. For alternative charter schools, the department  
1516 shall compare the student performance data described in this  
1517 paragraph with all alternative schools in the state. The  
1518 comparative data shall be provided by the following grade  
1519 groupings:

1520 (I) Grades 3 through 5;

1521 (II) Grades 6 through 8; and

1522 (III) Grades 9 through 11.

1523 b. Each charter school shall provide the information  
1524 specified in this paragraph on its Internet website and also  
1525 provide notice to the public at large in a manner provided by  
1526 the rules of the State Board of Education. The State Board of  
1527 Education shall adopt rules to administer the notice  
1528 requirements of this subparagraph pursuant to ss. 120.536(1) and  
1529 120.54. The website shall include, through links or actual  
1530 content, other information related to school performance.

1531 ~~(22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.~~

1532 ~~(a) The Department of Education shall staff and regularly~~  
1533 ~~convene a Charter School Review Panel in order to review issues,~~  
1534 ~~practices, and policies regarding charter schools. The~~  
1535 ~~composition of the review panel shall include individuals with~~  
1536 ~~experience in finance, administration, law, education, and~~  
1537 ~~school governance, and individuals familiar with charter school~~

20111546e1

1538 ~~construction and operation. The panel shall include two~~  
1539 ~~appointees each from the Commissioner of Education, the~~  
1540 ~~President of the Senate, and the Speaker of the House of~~  
1541 ~~Representatives. The Governor shall appoint three members of the~~  
1542 ~~panel and shall designate the chair. Each member of the panel~~  
1543 ~~shall serve a 1 year term, unless renewed by the office making~~  
1544 ~~the appointment. The panel shall make recommendations to the~~  
1545 ~~Legislature, to the Department of Education, to charter schools,~~  
1546 ~~and to school districts for improving charter school operations~~  
1547 ~~and oversight and for ensuring best business practices at and~~  
1548 ~~fair business relationships with charter schools.~~

1549 ~~(b) The Legislature shall review the operation of charter~~  
1550 ~~schools during the 2010 Regular Session of the Legislature.~~

1551 (24)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon  
1552 receipt of the annual report required by paragraph (9) (k), the  
1553 Department of Education shall provide to the State Board of  
1554 Education, the Commissioner of Education, the Governor, the  
1555 President of the Senate, and the Speaker of the House of  
1556 Representatives an analysis and comparison of the overall  
1557 performance of charter school students, to include all students  
1558 whose scores are counted as part of the statewide assessment  
1559 program, versus comparable public school students in the  
1560 district as determined by the statewide assessment program  
1561 currently administered in the school district, and other  
1562 assessments administered pursuant to s. 1008.22 (3).

1563 (25)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1564 (a) This subsection applies to charter school personnel in  
1565 a charter school operated by a private entity. As used in this  
1566 subsection, the term:

20111546e1

1567 1. "Charter school personnel" means a charter school owner,  
1568 president, chairperson of the governing board of directors,  
1569 superintendent, governing board member, principal, assistant  
1570 principal, or any other person employed by the charter school  
1571 who has equivalent decisionmaking authority and in whom is  
1572 vested the authority, or to whom the authority has been  
1573 delegated, to appoint, employ, promote, or advance individuals  
1574 or to recommend individuals for appointment, employment,  
1575 promotion, or advancement in connection with employment in a  
1576 charter school, including the authority as a member of a  
1577 governing body of a charter school to vote on the appointment,  
1578 employment, promotion, or advancement of individuals.

1579 2. "Relative" means father, mother, son, daughter, brother,  
1580 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,  
1581 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
1582 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
1583 stepdaughter, stepbrother, stepsister, half brother, or half  
1584 sister.

1585 (b) Charter school personnel may not appoint, employ,  
1586 promote, or advance, or advocate for appointment, employment,  
1587 promotion, or advancement, in or to a position in the charter  
1588 school in which the personnel are serving or over which the  
1589 personnel exercises jurisdiction or control any individual who  
1590 is a relative. An individual may not be appointed, employed,  
1591 promoted, or advanced in or to a position in a charter school if  
1592 such appointment, employment, promotion, or advancement has been  
1593 advocated by charter school personnel who serve in or exercise  
1594 jurisdiction or control over the charter school and who is a  
1595 relative of the individual or if such appointment, employment,

20111546e1

1596 promotion, or advancement is made by the governing board of  
1597 which a relative of the individual is a member.

1598 (c) The approval of budgets does not constitute  
1599 "jurisdiction or control" for the purposes of this subsection.

1600  
1601 Charter school personnel in schools operated by a municipality  
1602 or other public entity are subject to s. 112.3135.

1603 (26) ~~(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1604 (a) A member of a governing board of a charter school,  
1605 including a charter school operated by a private entity, is  
1606 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1607 (b) A member of a governing board of a charter school  
1608 operated by a municipality or other public entity is subject to  
1609 s. 112.3144, which relates to the disclosure of financial  
1610 interests.

1611 (27) ~~(26)~~ RULEMAKING.—~~The Department of Education, after~~  
1612 ~~consultation with school districts and charter school directors,~~  
1613 ~~shall recommend that the State Board of Education adopt rules to~~  
1614 ~~implement specific subsections of this section. Such rules shall~~  
1615 ~~require minimum paperwork and shall not limit charter school~~  
1616 ~~flexibility authorized by statute. The State Board of Education~~  
1617 ~~shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to~~  
1618 ~~implement this section, including a charter model application~~  
1619 ~~form, evaluation instrument, and charter and charter renewal~~  
1620 ~~formats in accordance with this section.~~

1621 Section 4. Paragraph (c) of subsection (10) and subsection  
1622 (13) of section 1002.34, Florida Statutes, are amended to read:  
1623 1002.34 Charter technical career centers.—

1624 (10) EXEMPTION FROM STATUTES.—



20111546e1

1625 (c) A center must comply with the antidiscrimination  
1626 provisions in s. 1000.05 and the provisions in s. 1002.33(25) ~~s.~~  
1627 ~~1002.33(24)~~ which relate to the employment of relatives.

1628 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors  
1629 of a center may decide matters relating to the operation of the  
1630 school, including budgeting, curriculum, and operating  
1631 procedures, subject to the center's charter. The board of  
1632 directors is responsible for performing the duties provided in  
1633 s. 1002.345, including monitoring the corrective action plan.  
1634 The board of directors must comply with s. 1002.33(26) ~~s.~~  
1635 ~~1002.33(25)~~.

1636 Section 5. Section 1011.68, Florida Statutes, is amended to  
1637 read:

1638 1011.68 Funds for student transportation.—The annual  
1639 allocation to each district for transportation to public school  
1640 programs, including charter schools as provided in s.  
1641 1002.33(19)(b) ~~s. 1002.33(17)(b)~~, of students in membership in  
1642 kindergarten through grade 12 and in migrant and exceptional  
1643 student programs below kindergarten shall be determined as  
1644 follows:

1645 (1) Subject to the rules of the State Board of Education,  
1646 each district shall determine the membership of students who are  
1647 transported:

1648 (a) By reason of living 2 miles or more from school.

1649 (b) By reason of being students with disabilities or  
1650 enrolled in a teenage parent program, regardless of distance to  
1651 school.

1652 (c) By reason of being in a state prekindergarten program,  
1653 regardless of distance from school.

20111546e1

1654 (d) By reason of being career, dual enrollment, or students  
1655 with disabilities transported from one school center to another  
1656 to participate in an instructional program or service; or  
1657 students with disabilities, transported from one designation to  
1658 another in the state, provided one designation is a school  
1659 center and provided the student's individual educational plan  
1660 (IEP) identifies the need for the instructional program or  
1661 service and transportation to be provided by the school  
1662 district. A "school center" is defined as a public school  
1663 center, community college, state university, or other facility  
1664 rented, leased, or owned and operated by the school district or  
1665 another public agency. A "dual enrollment student" is defined as  
1666 a public school student in membership in both a public secondary  
1667 school program and a community college or a state university  
1668 program under a written agreement to partially fulfill ss.  
1669 1003.435 and 1007.23 and earning full-time equivalent membership  
1670 under s. 1011.62(1)(i).

1671 (e) With respect to elementary school students whose grade  
1672 level does not exceed grade 6, by reason of being subjected to  
1673 hazardous walking conditions en route to or from school as  
1674 provided in s. 1006.23. Such rules shall, when appropriate,  
1675 provide for the determination of membership under this paragraph  
1676 for less than 1 year to accommodate the needs of students who  
1677 require transportation only until such hazardous conditions are  
1678 corrected.

1679 (f) By reason of being a pregnant student or student  
1680 parent, and the child of a student parent as provided in s.  
1681 1003.54, regardless of distance from school.

1682 (2) The allocation for each district shall be calculated

20111546e1

1683 annually in accordance with the following formula:

1684

1685  $T = B + EX$ . The elements of this formula are defined as  
1686 follows: T is the total dollar allocation for transportation. B  
1687 is the base transportation dollar allocation prorated by an  
1688 adjusted student membership count. The adjusted membership count  
1689 shall be derived from a multiplicative index function in which  
1690 the base student membership is adjusted by multiplying it by  
1691 index numbers that individually account for the impact of the  
1692 price level index, average bus occupancy, and the extent of  
1693 rural population in the district. EX is the base transportation  
1694 dollar allocation for disabled students prorated by an adjusted  
1695 disabled student membership count. The base transportation  
1696 dollar allocation for disabled students is the total state base  
1697 disabled student membership count weighted for increased costs  
1698 associated with transporting disabled students and multiplying  
1699 it by an average per student cost for transportation as  
1700 determined by the Legislature. The adjusted disabled student  
1701 membership count shall be derived from a multiplicative index  
1702 function in which the weighted base disabled student membership  
1703 is adjusted by multiplying it by index numbers that individually  
1704 account for the impact of the price level index, average bus  
1705 occupancy, and the extent of rural population in the district.  
1706 Each adjustment factor shall be designed to affect the base  
1707 allocation by no more or less than 10 percent.

1708 (3) The total allocation to each district for  
1709 transportation of students shall be the sum of the amounts  
1710 determined in subsection (2). If the funds appropriated for the  
1711 purpose of implementing this section are not sufficient to pay

20111546e1

1712 the base transportation allocation and the base transportation  
1713 allocation for disabled students, the Department of Education  
1714 shall prorate the available funds on a percentage basis. If the  
1715 funds appropriated for the purpose of implementing this section  
1716 exceed the sum of the base transportation allocation and the  
1717 base transportation allocation for disabled students, the base  
1718 transportation allocation for disabled students shall be limited  
1719 to the amount calculated in subsection (2), and the remaining  
1720 balance shall be added to the base transportation allocation.

1721 (4) No district shall use funds to purchase transportation  
1722 equipment and supplies at prices which exceed those determined  
1723 by the department to be the lowest which can be obtained, as  
1724 prescribed in s. 1006.27(1).

1725 (5) Funds allocated or apportioned for the payment of  
1726 student transportation services may be used to pay for  
1727 transportation of students to and from school on local general  
1728 purpose transportation systems. Student transportation funds may  
1729 also be used to pay for transportation of students to and from  
1730 school in private passenger cars and boats when the  
1731 transportation is for isolated students, or students with  
1732 disabilities as defined by rule. Subject to the rules of the  
1733 State Board of Education, each school district shall determine  
1734 and report the number of assigned students using general purpose  
1735 transportation private passenger cars and boats. The allocation  
1736 per student must be equal to the allocation per student riding a  
1737 school bus.

1738 (6) Notwithstanding other provisions of this section, in no  
1739 case shall any student or students be counted for transportation  
1740 funding more than once per day. This provision includes counting

20111546e1

1741 students for funding pursuant to trips in school buses,  
1742 passenger cars, or boats or general purpose transportation.

1743 Section 6. Paragraph (b) of subsection (2) of section  
1744 1012.32, Florida Statutes, is amended to read:

1745 1012.32 Qualifications of personnel.—

1746 (2)

1747 (b) Instructional and noninstructional personnel who are  
1748 hired or contracted to fill positions in any charter school and  
1749 members of the governing board of any charter school, in  
1750 compliance with s. 1002.33(14)(f) ~~s. 1002.33(12)(g)~~, must, upon  
1751 employment, engagement of services, or appointment, undergo  
1752 background screening as required under s. 1012.465 or s.  
1753 1012.56, whichever is applicable, by filing with the district  
1754 school board for the school district in which the charter school  
1755 is located a complete set of fingerprints taken by an authorized  
1756 law enforcement agency or an employee of the school or school  
1757 district who is trained to take fingerprints.

1758

1759 Fingerprints shall be submitted to the Department of Law  
1760 Enforcement for statewide criminal and juvenile records checks  
1761 and to the Federal Bureau of Investigation for federal criminal  
1762 records checks. A person subject to this subsection who is found  
1763 ineligible for employment under s. 1012.315, or otherwise found  
1764 through background screening to have been convicted of any crime  
1765 involving moral turpitude as defined by rule of the State Board  
1766 of Education, shall not be employed, engaged to provide  
1767 services, or serve in any position that requires direct contact  
1768 with students. Probationary persons subject to this subsection  
1769 terminated because of their criminal record have the right to

20111546e1

1770 appeal such decisions. The cost of the background screening may  
1771 be borne by the district school board, the charter school, the  
1772 employee, the contractor, or a person subject to this  
1773 subsection.

1774 Section 7. Paragraphs (a) and (e) of subsection (1) and  
1775 subsection (2) of section 1013.62, Florida Statutes, are amended  
1776 to read:

1777 1013.62 Charter schools capital outlay funding.—

1778 (1) In each year in which funds are appropriated for  
1779 charter school capital outlay purposes, the Commissioner of  
1780 Education shall allocate the funds among eligible charter  
1781 schools.

1782 (a) To be eligible for a funding allocation, a charter  
1783 school must:

1784 1.a. Have been in operation for 3 or more years;

1785 b. Be governed by a governing board established in the  
1786 state for 3 or more years which operates both charter schools  
1787 and conversion charter schools within the state;

1788 c. Be an expanded feeder chain of a charter school within  
1789 the same school district that is currently receiving charter  
1790 school capital outlay funds;

1791 d. Have been accredited by the Commission on Schools of the  
1792 Southern Association of Colleges and Schools; or

1793 e. Serve students in facilities that are provided by a  
1794 business partner for a charter school-in-the-workplace pursuant  
1795 to s. 1002.33(17)(b) ~~s. 1002.33(15)(b)~~.

1796 2. Have financial stability for future operation as a  
1797 charter school.

1798 3. Have satisfactory student achievement based on state

20111546e1

1799 accountability standards applicable to the charter school.

1800 4. Have received final approval from its sponsor pursuant  
1801 to s. 1002.33 for operation during that fiscal year.

1802 5. Serve students in facilities that are not provided by  
1803 the charter school's sponsor.

1804 (e) Unless otherwise provided in the General Appropriations  
1805 Act, the funding allocation for each eligible charter school is  
1806 determined by multiplying the school's projected student  
1807 enrollment by one-fifteenth of the cost-per-student station  
1808 specified in s. 1013.64(6)(b) for an elementary, middle, or high  
1809 school, as appropriate. If the funds appropriated are not  
1810 sufficient, the commissioner shall prorate the available funds  
1811 among eligible charter schools. However, a charter school or  
1812 charter lab school may not receive state charter school capital  
1813 outlay funds greater than the one-fifteenth cost per student  
1814 station formula if the charter school's combination of state  
1815 charter school capital outlay funds, capital outlay funds  
1816 calculated through the reduction in the administrative fee  
1817 provided in s. 1002.33(22) ~~s. 1002.33(20)~~, and capital outlay  
1818 funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-  
1819 fifteenth cost per student station formula.

1820 (2) A charter school's governing body may use charter  
1821 school capital outlay funds for the following purposes:

1822 (a) Purchase of real property.

1823 (b) Construction of school facilities.

1824 (c) Purchase, lease-purchase, or lease of permanent or  
1825 relocatable school facilities.

1826 (d) Purchase of vehicles to transport students to and from  
1827 the charter school.

20111546e1

1828 (e) Renovation, repair, and maintenance of school  
1829 facilities that the charter school owns or is purchasing through  
1830 a lease-purchase or long-term lease of 5 years or longer.

1831 (f) Effective July 1, 2008, purchase, lease-purchase, or  
1832 lease of new and replacement equipment, and enterprise resource  
1833 software applications that are classified as capital assets in  
1834 accordance with definitions of the Governmental Accounting  
1835 Standards Board, have a useful life of at least 5 years, and are  
1836 used to support schoolwide administration or state-mandated  
1837 reporting requirements.

1838 (g) Payment of the cost of premiums for property and  
1839 casualty insurance necessary to insure the school facilities.

1840 (h) Purchase, lease-purchase, or lease of driver's  
1841 education vehicles; motor vehicles used for the maintenance or  
1842 operation of plants and equipment; security vehicles; or  
1843 vehicles used in storing or distributing materials and  
1844 equipment.

1845  
1846 Conversion charter schools may use capital outlay funds received  
1847 through the reduction in the administrative fee provided in s.  
1848 1002.33(22) ~~s. 1002.33(20)~~ for renovation, repair, and  
1849 maintenance of school facilities that are owned by the sponsor.

1850 (3) When a charter school is nonrenewed or terminated, any  
1851 unencumbered funds and all equipment and property purchased with  
1852 district public funds shall revert to the ownership of the  
1853 district school board, as provided for in s. 1002.33(8) (e) and  
1854 (f). In the case of a charter lab school, any unencumbered funds  
1855 and all equipment and property purchased with university public  
1856 funds shall revert to the ownership of the state university that



20111546e1

1857 issued the charter. The reversion of such equipment, property,  
1858 and furnishings shall focus on recoverable assets, but not on  
1859 intangible or irrecoverable costs such as rental or leasing  
1860 fees, normal maintenance, and limited renovations. The reversion  
1861 of all property secured with public funds is subject to the  
1862 complete satisfaction of all lawful liens or encumbrances. If  
1863 there are additional local issues such as the shared use of  
1864 facilities or partial ownership of facilities or property, these  
1865 issues shall be agreed to in the charter contract prior to the  
1866 expenditure of funds.

1867 Section 8. (1) The Office of Program Policy Analysis and  
1868 Government Accountability (OPPAGA) shall conduct a study that  
1869 compares the funding of charter schools to the funding of  
1870 traditional public schools. In conducting this study, OPPAGA  
1871 shall:

1872 (a) Identify the school districts that distribute funds  
1873 generated by the capital improvement millage authorized pursuant  
1874 to s. 1011.71(2), Florida Statutes, to charter schools and the  
1875 use of such funds by the charter schools.

1876 (b) Determine the amount of funds that would be available  
1877 to charter schools if school districts equitably distribute to  
1878 district schools, including charter schools, the funds generated  
1879 by the capital improvement millage authorized pursuant to s.  
1880 1011.71(2), Florida Statutes.

1881 (c) Examine the costs associated with supervising charter  
1882 schools and determine whether the 5 percent administrative fee  
1883 for administrative and educational services for charter schools  
1884 covers the costs associated with the provision of the services.

1885 (d) Examine the distribution of IDEA funds.

20111546e1

1886       (2) OPPAGA shall make recommendations, if warranted, for  
1887 improving the accountability and equity of the funding system  
1888 for charter schools based on the findings of the study. The  
1889 results of the study shall be submitted to the Governor, the  
1890 President of the Senate, and the Speaker of the House of  
1891 Representatives by January 1, 2012.

1892       Section 9. If any provision of this act or its application  
1893 to any person or circumstance is held invalid, the invalidity  
1894 does not affect other provisions or applications of the act  
1895 which can be given effect without the invalid provision or  
1896 application, and to this end the provisions of this act are  
1897 severable.

1898       Section 10. This act shall take effect July 1, 2011.