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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
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	.	

The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (h) of subsection (6) of section
163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(6)

(h)1. In order to limit the liability of local governments,
a local government may allow a landowner to proceed with
development of a specific parcel of land notwithstanding a
failure of the development to satisfy school concurrency, if all



13 the following factors are shown to exist:

14 a. The proposed development would be consistent with the
15 future land use designation for the specific property and with
16 pertinent portions of the adopted local plan, as determined by
17 the local government.

18 b. The local government's capital improvements element and
19 the school board's educational facilities plan provide for
20 school facilities adequate to serve the proposed development,
21 and the local government or school board has not implemented
22 that element or the project includes a plan that demonstrates
23 that the capital facilities needed as a result of the project
24 can be reasonably provided.

25 c. The local government and school board have provided a
26 means by which the landowner will be assessed a proportionate
27 share of the cost of providing the school facilities necessary
28 to serve the proposed development.

29 2. If a local government applies school concurrency, it may
30 not deny an application for site plan, final subdivision
31 approval, or the functional equivalent for a development or
32 phase of a development authorizing residential development for
33 failure to achieve and maintain the level-of-service standard
34 for public school capacity in a local school concurrency
35 management system where adequate school facilities will be in
36 place or under actual construction within 3 years after the
37 issuance of final subdivision or site plan approval, or the
38 functional equivalent. School concurrency is satisfied if the
39 developer executes a legally binding commitment to provide
40 mitigation proportionate to the demand for public school
41 facilities to be created by actual development of the property,



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42 including, but not limited to, the options described in sub-
43 subparagraph a. Options for proportionate-share mitigation of
44 impacts on public school facilities must be established in the
45 comprehensive plan and the interlocal agreement pursuant to s.
46 163.31777.

47 a. Appropriate mitigation options include the contribution
48 of land; the construction, expansion, or payment for land
49 acquisition or construction of a public school facility; the
50 construction of a charter school that complies with the
51 requirements of s. 1002.33(19) ~~1002.33(18)~~; or the creation of
52 mitigation banking based on the construction of a public school
53 facility in exchange for the right to sell capacity credits.
54 Such options must include execution by the applicant and the
55 local government of a development agreement that constitutes a
56 legally binding commitment to pay proportionate-share mitigation
57 for the additional residential units approved by the local
58 government in a development order and actually developed on the
59 property, taking into account residential density allowed on the
60 property prior to the plan amendment that increased the overall
61 residential density. The district school board must be a party
62 to such an agreement. As a condition of its entry into such a
63 development agreement, the local government may require the
64 landowner to agree to continuing renewal of the agreement upon
65 its expiration.

66 b. If the interlocal agreement and the local government
67 comprehensive plan authorize a contribution of land; the
68 construction, expansion, or payment for land acquisition; the
69 construction or expansion of a public school facility, or a
70 portion thereof; or the construction of a charter school that



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71 complies with the requirements of s. 1002.33(19) ~~1002.33(18)~~, as
72 proportionate-share mitigation, the local government shall
73 credit such a contribution, construction, expansion, or payment
74 toward any other impact fee or exaction imposed by local
75 ordinance for the same need, on a dollar-for-dollar basis at
76 fair market value.

77 c. Any proportionate-share mitigation must be directed by
78 the school board toward a school capacity improvement identified
79 in the 5-year school board educational facilities plan that
80 satisfies the demands created by the development in accordance
81 with a binding developer's agreement.

82 3. This paragraph does not limit the authority of a local
83 government to deny a development permit or its functional
84 equivalent pursuant to its home rule regulatory powers, except
85 as provided in this part.

86 Section 2. Paragraph (c) of subsection (9) of section
87 1002.32, Florida Statutes, is amended to read:

88 1002.32 Developmental research (laboratory) schools.-

89 (9) FUNDING.-Funding for a lab school, including a charter
90 lab school, shall be provided as follows:

91 (c) All operating funds provided under this section shall
92 be deposited in a Lab School Trust Fund and shall be expended
93 for the purposes of this section. The university assigned a lab
94 school shall be the fiscal agent for these funds, and all rules
95 of the university governing the budgeting and expenditure of
96 state funds shall apply to these funds unless otherwise provided
97 by law or rule of the State Board of Education. The university
98 board of trustees shall be the public employer of lab school
99 personnel for collective bargaining purposes for lab schools in



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100 operation prior to the 2002-2003 fiscal year. Employees of
101 charter lab schools authorized prior to June 1, 2003, but not in
102 operation prior to the 2002-2003 fiscal year shall be employees
103 of the entity holding the charter and must comply with the
104 provisions of s. 1002.33(13) ~~1002.33(12)~~.

105 Section 3. Subsection (1), paragraph (b) of subsection (5),
106 paragraph (c) of subsection (6), paragraph (a) of subsection
107 (7), paragraphs (b) and (g) of present subsection (9),
108 paragraphs (d), (e), (h), and (i) of present subsection (10),
109 present subsection (13), paragraphs (b) and (c) of present
110 subsection (15), present subsection (17), paragraph (a) of
111 present subsection (20), and present subsection (23) of section
112 1002.33, Florida Statutes, are amended, present subsections (9)
113 through (27) of that section are redesignated as subsections
114 (10) through (28), respectively, and a new subsection (9) is
115 added to that section, to read:

116 1002.33 Charter schools.—

117 (1) AUTHORIZATION.—Charter schools shall be part of the
118 state's program of public education. All charter schools in
119 Florida are public schools. A charter school may be formed by
120 creating a new school or converting an existing public school to
121 charter status. A charter school may operate a virtual charter
122 school pursuant to s. 1002.45(1)(d) to provide full-time online
123 instruction to eligible students, pursuant to s. 1002.455, in
124 kindergarten through grade 12. A charter school must amend its
125 charter or submit a new application pursuant to subsection (6)
126 to become a virtual charter school. A virtual charter school is
127 subject to the requirements of this section; however, a virtual
128 charter school is exempt from subsections (19) ~~(18)~~ and (20)



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129 ~~(19)~~, subparagraphs (21)(a)2.-5. ~~(20)(a)2.-5.~~, paragraph (21)(c)
130 ~~(20)(e)~~, and s. 1003.03. A public school may not use the term
131 charter in its name unless it has been approved under this
132 section.

133 (5) SPONSOR; DUTIES.—

134 (b) *Sponsor duties.*—

135 1.a. The sponsor shall monitor and review the charter
136 school in its progress toward the goals established in the
137 charter.

138 b. The sponsor shall monitor the revenues and expenditures
139 of the charter school and perform the duties provided in s.
140 1002.345.

141 c. The sponsor may approve a charter for a charter school
142 before the applicant has identified space, equipment, or
143 personnel, if the applicant indicates approval is necessary for
144 it to raise working funds.

145 d. The sponsor's policies and procedures and previous
146 school board decisions, which are not consistent with the
147 requirements in this section, shall not apply to a charter
148 school unless mutually agreed to by both the sponsor and the
149 charter school.

150 e. The sponsor shall ensure that the charter is innovative
151 and consistent with the state education goals established by s.
152 1000.03(5).

153 f. The sponsor shall ensure that the charter school
154 participates in the state's education accountability system. If
155 a charter school falls short of performance measures included in
156 the approved charter, the sponsor shall report such shortcomings
157 to the Department of Education.



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158 g. The sponsor is ~~shall~~ not be liable for civil damages
159 under state law for personal injury, property damage, or death
160 resulting from an act or omission of an officer, employee,
161 agent, or governing body of the charter school.

162 h. The sponsor is ~~shall~~ not be liable for civil damages
163 under state law for any employment actions taken by an officer,
164 employee, agent, or governing body of the charter school.

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

167 j. The sponsor shall not impose additional reporting
168 requirements beyond those contained in this section on a charter
169 school without providing reasonable and specific justification
170 in writing to the charter school.

171 2. Immunity for the sponsor of a charter school under
172 subparagraph 1. applies only with respect to acts or omissions
173 not under the sponsor's direct authority as described in this
174 section.

175 3. This paragraph does not waive a district school board's
176 sovereign immunity.

177 4. A Florida College System institution may work with the
178 school district or school districts in its designated service
179 area to develop charter schools that offer secondary education.
180 These charter schools must include an option for students to
181 receive an associate degree upon high school graduation. If a
182 Florida College System institution operates an approved teacher
183 preparation program under s. 1004.04 or s. 1004.85, the Florida
184 College System institution may operate no more than one charter
185 school that serves students in kindergarten through grade 12 in
186 each school district in which the Florida College System



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187 institution serves. District school boards shall cooperate with
188 and assist the Florida College System institution on the charter
189 application. Florida College System institution applications for
190 charter schools are not subject to the time deadlines outlined
191 in subsection (6) and may be approved by the district school
192 board at any time during the year. Florida College System
193 institutions may not report FTE for any students who receive FTE
194 funding through the Florida Education Finance Program.

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

197 (c)1. An applicant may appeal any denial of that
198 applicant's application or failure to act on an application to
199 the State Board of Education no later than 30 calendar days
200 after receipt of the sponsor's decision or failure to act and
201 shall notify the sponsor of its appeal. Any response of the
202 sponsor shall be submitted to the State Board of Education
203 within 30 calendar days after notification of the appeal. Upon
204 receipt of notification from the State Board of Education that a
205 charter school applicant is filing an appeal, the Commissioner
206 of Education shall convene a meeting of the Charter School
207 Appeal Commission to study and make recommendations to the State
208 Board of Education regarding its pending decision about the
209 appeal. The commission shall forward its recommendation to the
210 state board no later than 7 calendar days prior to the date on
211 which the appeal is to be heard.

212 2. The Charter School Appeal Commission may reject an
213 appeal submission for failure to comply with procedural rules
214 governing the appeals process. The rejection shall describe the
215 submission errors. The appellant shall have 15 calendar days



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216 after notice of rejection in which to resubmit an appeal that
217 meets the requirements set forth in State Board of Education
218 rule. An appeal submitted subsequent to such rejection is
219 considered timely if the original appeal was filed within 30
220 calendar days after receipt of notice of the specific reasons
221 for the sponsor's denial of the charter application.

222 3.a. The State Board of Education shall by majority vote
223 accept or reject the decision of the sponsor no later than 90
224 calendar days after an appeal is filed in accordance with State
225 Board of Education rule. The State Board of Education shall
226 remand the application to the sponsor with its written decision
227 that the sponsor approve or deny the application. The sponsor
228 shall implement the decision of the State Board of Education.
229 The decision of the State Board of Education is not subject to
230 the provisions of the Administrative Procedure Act, chapter 120.

231 b. If an appeal concerns an application submitted by a
232 high-performing charter school identified pursuant to s.
233 1002.331, the State Board of Education shall determine whether
234 the sponsor has shown, by clear and convincing evidence, that:

235 (I) The application does not materially comply with the
236 requirements in paragraph (a);

237 (II) The charter school proposed in the application does
238 not materially comply with the requirements in paragraphs
239 (10) (a) - (f) ~~(9) (a) - (f)~~;

240 (III) The proposed charter school's educational program
241 does not substantially replicate that of the applicant or one of
242 the applicant's high-performing charter schools;

243 (IV) The applicant has made a material misrepresentation or
244 false statement or concealed an essential or material fact



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245 during the application process; or

246 (V) The proposed charter school's educational program and
247 financial management practices do not materially comply with the
248 requirements of this section.

249

250 The State Board of Education shall approve or reject the
251 sponsor's denial of an application no later than 90 calendar
252 days after an appeal is filed in accordance with State Board of
253 Education rule. The State Board of Education shall remand the
254 application to the sponsor with its written decision that the
255 sponsor approve or deny the application. The sponsor shall
256 implement the decision of the State Board of Education. The
257 decision of the State Board of Education is not subject to the
258 Administrative Procedure Act, chapter 120.

259 (7) CHARTER.—The major issues involving the operation of a
260 charter school shall be considered in advance and written into
261 the charter. The charter shall be signed by the governing board
262 of the charter school and the sponsor, following a public
263 hearing to ensure community input.

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

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

268 2. The focus of the curriculum, the instructional methods
269 to be used, any distinctive instructional techniques to be
270 employed, and identification and acquisition of appropriate
271 technologies needed to improve educational and administrative
272 performance which include a means for promoting safe, ethical,
273 and appropriate uses of technology which comply with legal and



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274 professional standards.

275 a. The charter shall ensure that reading is a primary focus
276 of the curriculum and that resources are provided to identify
277 and provide specialized instruction for students who are reading
278 below grade level. The curriculum and instructional strategies
279 for reading must be consistent with the Sunshine State Standards
280 and grounded in scientifically based reading research.

281 b. In order to provide students with access to diverse
282 instructional delivery models, to facilitate the integration of
283 technology within traditional classroom instruction, and to
284 provide students with the skills they need to compete in the
285 21st century economy, the Legislature encourages instructional
286 methods for blended learning courses consisting of both
287 traditional classroom and online instructional techniques.
288 Charter schools may implement blended learning courses that
289 ~~which~~ combine traditional classroom instruction and virtual
290 instruction. Students in a blended learning course must be full-
291 time students of the charter school and receive the online
292 instruction in a classroom setting at the charter school.
293 Instructional personnel certified pursuant to s. 1012.55 who
294 provide virtual instruction for blended learning courses may be
295 employees of the charter school or may be under contract to
296 provide instructional services to charter school students. At a
297 minimum, such instructional personnel must hold an active state
298 or school district adjunct certification under s. 1012.57 for
299 the subject area of the blended learning course. The funding and
300 performance accountability requirements for blended learning
301 courses are the same as those for traditional courses.

302 3. The current incoming baseline standard of student



303 academic achievement, the outcomes to be achieved, and the
304 method of measurement that will be used. The criteria listed in
305 this subparagraph shall include a detailed description of:

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

308 b. How these baseline rates will be compared to rates of
309 academic progress achieved by these same students while
310 attending the charter school.

311 c. To the extent possible, how these rates of progress will
312 be evaluated and compared with rates of progress of other
313 closely comparable student populations.

314
315 The district school board is required to provide academic
316 student performance data to charter schools for each of their
317 students coming from the district school system, as well as
318 rates of academic progress of comparable student populations in
319 the district school system. If academic student performance data
320 cannot be provided to a charter school, the district school
321 board shall provide the charter school with training and access
322 to the school district's student achievement databases.

323 4. The methods used to identify the educational strengths
324 and needs of students and how well educational goals and
325 performance standards are met by students attending the charter
326 school. The methods shall provide a means for the charter school
327 to ensure accountability to its constituents by analyzing
328 student performance data and by evaluating the effectiveness and
329 efficiency of its major educational programs. Students in
330 charter schools shall, at a minimum, participate in the
331 statewide assessment program created under s. 1008.22.



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

335 6. A method for resolving conflicts between the governing
336 board of the charter school and the sponsor.

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

339 8. The ways by which the school will achieve a
340 racial/ethnic balance reflective of the community it serves or
341 within the racial/ethnic range of other public schools in the
342 same school district.

343 9. The financial and administrative management of the
344 school, including a reasonable demonstration of the professional
345 experience or competence of those individuals or organizations
346 applying to operate the charter school or those hired or
347 retained to perform such professional services and the
348 description of clearly delineated responsibilities and the
349 policies and practices needed to effectively manage the charter
350 school. A description of internal audit procedures and
351 establishment of controls to ensure that financial resources are
352 properly managed must be included. Both public sector and
353 private sector professional experience shall be equally valid in
354 such a consideration.

355 10. The asset and liability projections required in the
356 application which are incorporated into the charter and shall be
357 compared with information provided in the annual report of the
358 charter school.

359 11. A description of procedures that identify various risks
360 and provide for a comprehensive approach to reduce the impact of



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361 losses; plans to ensure the safety and security of students and
362 staff; plans to identify, minimize, and protect others from
363 violent or disruptive student behavior; and the manner in which
364 the school will be insured, including whether or not the school
365 will be required to have liability insurance, and, if so, the
366 terms and conditions thereof and the amounts of coverage.

367 12. The term of the charter, which shall provide for
368 cancellation of the charter if insufficient progress has been
369 made in attaining the student achievement objectives of the
370 charter and if it is not likely that such objectives can be
371 achieved before expiration of the charter. The initial term of a
372 charter shall be for 4 or 5 years. In order to facilitate access
373 to long-term financial resources for charter school
374 construction, charter schools that are operated by a
375 municipality or other public entity as provided by law are
376 eligible for up to a 15-year charter, subject to approval by the
377 district school board. A charter lab school is eligible for a
378 charter for a term of up to 15 years. In addition, to facilitate
379 access to long-term financial resources for charter school
380 construction, charter schools that are operated by a private,
381 not-for-profit, s. 501(c)(3) status corporation are eligible for
382 up to a 15-year charter, subject to approval by the district
383 school board. Such long-term charters remain subject to annual
384 review and may be terminated during the term of the charter, but
385 only according to the provisions set forth in subsection (8).

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

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



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390 15. The governance structure of the school, including the
391 status of the charter school as a public or private employer as
392 required in paragraph (13)(i) ~~(12)(i)~~.

393 16. A timetable for implementing the charter which
394 addresses the implementation of each element thereof and the
395 date by which the charter shall be awarded in order to meet this
396 timetable.

397 17. In the case of an existing public school that is being
398 converted to charter status, alternative arrangements for
399 current students who choose not to attend the charter school and
400 for current teachers who choose not to teach in the charter
401 school after conversion in accordance with the existing
402 collective bargaining agreement or district school board rule in
403 the absence of a collective bargaining agreement. However,
404 alternative arrangements are ~~shall~~ not ~~be~~ required for current
405 teachers who choose not to teach in a charter lab school, except
406 as authorized by the employment policies of the state university
407 that ~~which~~ grants the charter to the lab school.

408 18. Full disclosure of the identity of all relatives
409 employed by the charter school who are related to the charter
410 school owner, president, chairperson of the governing board of
411 directors, superintendent, governing board member, principal,
412 assistant principal, or any other person employed by the charter
413 school who has equivalent decisionmaking authority. For the
414 purpose of this subparagraph, the term "relative" means father,
415 mother, son, daughter, brother, sister, uncle, aunt, first
416 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
417 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
418 stepfather, stepmother, stepson, stepdaughter, stepbrother,



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419 stepsister, half brother, or half sister.

420 19. Implementation of the activities authorized under s.
421 1002.331 or s. 1002.332 by the charter school when it satisfies
422 the eligibility requirements for a high-performing charter
423 school. A high-performing charter school shall notify its
424 sponsor in writing by March 1 if it intends to increase
425 enrollment or expand grade levels the following school year. The
426 written notice shall specify the amount of the enrollment
427 increase and the grade levels that will be added, as applicable.

428 (9) FORMAL GRIEVANCES; MEDIATION.—A charter school or
429 sponsor may file a formal grievance with the Department of
430 Education and request mediation if the charter school or sponsor
431 is unable to resolve any outstanding issues between the charter
432 school and the sponsor. Upon the filing of such formal grievance
433 and request for mediation, any activities associated with the
434 closing of a charter school shall cease until a resolution is
435 reached, unless the charter is terminated pursuant to paragraph
436 (8) (d) .

437 (10) ~~(9)~~ CHARTER SCHOOL REQUIREMENTS.—

438 (b) A charter school shall admit students as provided in
439 subsection (11) ~~(10)~~.

440 (g) In order to provide financial information that is
441 comparable to that reported for other public schools, charter
442 schools are to maintain all financial records that constitute
443 their accounting system:

444 1. In accordance with the accounts and codes prescribed in
445 the most recent issuance of the publication titled "Financial
446 and Program Cost Accounting and Reporting for Florida Schools";
447 or



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448 2. At the discretion of the charter school's governing
449 board, a charter school may elect to follow generally accepted
450 accounting standards for not-for-profit organizations, but must
451 reformat this information for reporting according to this
452 paragraph.

453
454 Charter schools shall provide annual financial report and
455 program cost report information in the state-required formats
456 for inclusion in district reporting in compliance with s.
457 1011.60(1). Charter schools that are operated by a municipality
458 or are a component unit of a parent nonprofit organization may
459 use the accounting system of the municipality or the parent but
460 must reformat this information for reporting according to this
461 paragraph. A charter school shall provide a monthly financial
462 statement to the sponsor unless the charter school is designated
463 as a high-performing charter school pursuant to s. 1002.331 or
464 s. 1002.332, in which case the high-performing charter school
465 may provide a quarterly financial statement. The financial
466 statement required under this paragraph shall be in a form
467 prescribed by the Department of Education.

468 ~~(11)-(10)~~ ELIGIBLE STUDENTS.—

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

471 1. Students who are siblings of a student enrolled in the
472 charter school.

473 2. Students who are the children of a member of the
474 governing board of the charter school.

475 3. Students who are the children of an employee of the
476 charter school.



477 4. Students who are the children of:
478 a. An employee of the business partner of a charter school-
479 in-the-workplace established under paragraph (16) (b) ~~(15) (b)~~ or
480 a resident of the municipality in which such charter school is
481 located; or
482 b. A resident of a municipality that operates a charter
483 school-in-a-municipality pursuant to paragraph (16) (c) ~~(15) (e)~~.
484 5. Students who have successfully completed a voluntary
485 prekindergarten education program under ss. 1002.51-1002.79
486 provided by the charter school or the charter school's governing
487 board during the previous year.
488 6. Students who are the children of an active duty member
489 of any branch of the United States Armed Forces.
490 (e) A charter school may limit the enrollment process only
491 to target the following student populations:
492 1. Students within specific age groups or grade levels.
493 2. Students considered at risk of dropping out of school or
494 academic failure. Such students shall include exceptional
495 education students.
496 3. Students enrolling in a charter school-in-the-workplace
497 or charter school-in-a-municipality established pursuant to
498 subsection (16) ~~(15)~~.
499 4. Students residing within a reasonable distance of the
500 charter school, as described in paragraph (21) (c) ~~(20) (e)~~. Such
501 students shall be subject to a random lottery and to the
502 racial/ethnic balance provisions described in subparagraph
503 (7) (a)8. or any federal provisions that require a school to
504 achieve a racial/ethnic balance reflective of the community it
505 serves or within the racial/ethnic range of other public schools



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506 in the same school district.

507 5. Students who meet reasonable academic, artistic, or
508 other eligibility standards established by the charter school
509 and included in the charter school application and charter or,
510 in the case of existing charter schools, standards that are
511 consistent with the school's mission and purpose. Such standards
512 shall be in accordance with current state law and practice in
513 public schools and may not discriminate against otherwise
514 qualified individuals.

515 6. Students articulating from one charter school to another
516 pursuant to an articulation agreement between the charter
517 schools that has been approved by the sponsor.

518 7. Students living in a development in which a business
519 entity provides the school facility and related property having
520 an appraised value of at least \$10 million to be used as a
521 charter school for the development. Students living in the
522 development shall be entitled to 50 percent of the student
523 stations in the charter school. The students who are eligible
524 for enrollment are subject to a random lottery, the
525 racial/ethnic balance provisions, or any federal provisions, as
526 described in subparagraph 4. The remainder of the student
527 stations shall be filled in accordance with subparagraph 4.

528 (h) The capacity of the charter school shall be determined
529 annually by the governing board, in conjunction with the
530 sponsor, of the charter school in consideration of the factors
531 identified in this subsection unless the charter school is
532 designated as a high-performing charter school pursuant to s.
533 1002.331 or s. 1002.332. A sponsor may not require a charter
534 school to waive the provisions of s. 1002.331 or s. 1002.332 or



535 require a student enrollment cap that prohibits a high-
536 performing charter school from increasing enrollment in
537 accordance with s. 1002.331(2) or s. 1002.332(2)(c) as a
538 condition of approval or renewal of a charter.

539 (i) The capacity of a high-performing charter school
540 identified pursuant to s. 1002.331 or s. 1002.332 shall be
541 determined annually by the governing board of the charter
542 school. The governing board shall notify the sponsor of any
543 increase in enrollment by March 1 of the school year preceding
544 the increase.

545 (14)-(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
546 enter into cooperative agreements to form charter school
547 cooperative organizations that may provide the following
548 services: charter school planning and development, direct
549 instructional services, and contracts with charter school
550 governing boards to provide personnel administrative services,
551 payroll services, human resource management, evaluation and
552 assessment services, teacher preparation, and professional
553 development. A charter school cooperative organization that
554 includes high-performing charter schools, a consortium of
555 charter schools, or individual charter schools may submit a
556 professional development plan on behalf of its member schools to
557 the State Board of Education for the purpose of meeting
558 continuing education requirements.

559 (16)-(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-
560 IN-A-MUNICIPALITY.—

561 (b) A charter school-in-the-workplace may be established
562 when a business partner provides the school facility to be used;
563 enrolls students based upon a random lottery that involves all



564 of the children of employees of that business or corporation who
565 are seeking enrollment, as provided for in subsection (11) ~~(10)~~;
566 and enrolls students according to the racial/ethnic balance
567 provisions described in subparagraph (7) (a)8. Any portion of a
568 facility used for a public charter school shall be exempt from
569 ad valorem taxes, as provided for in s. 1013.54, for the
570 duration of its use as a public school.

571 (c) A charter school-in-a-municipality designation may be
572 granted to a municipality that possesses a charter; enrolls
573 students based upon a random lottery that involves all of the
574 children of the residents of that municipality who are seeking
575 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls
576 students according to the racial/ethnic balance provisions
577 described in subparagraph (7) (a)8. When a municipality has
578 submitted charter applications for the establishment of a
579 charter school feeder pattern, consisting of elementary, middle,
580 and senior high schools, and each individual charter application
581 is approved by the district school board, such schools shall
582 then be designated as one charter school for all purposes listed
583 pursuant to this section. Any portion of the land and facility
584 used for a public charter school shall be exempt from ad valorem
585 taxes, as provided for in s. 1013.54, for the duration of its
586 use as a public school.

587 (18) ~~(17)~~ FUNDING.—Students enrolled in a charter school,
588 regardless of the sponsorship, shall be funded as if they are in
589 a basic program or a special program, the same as students
590 enrolled in other public schools in the school district. Funding
591 for a charter lab school shall be as provided in s. 1002.32.

592 (a) Each charter school shall report its student enrollment



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593 to the sponsor as required in s. 1011.62, and in accordance with
594 the definitions in s. 1011.61. The sponsor shall include each
595 charter school's enrollment in the district's report of student
596 enrollment. All charter schools submitting student record
597 information required by the Department of Education shall comply
598 with the Department of Education's guidelines for electronic
599 data formats for such data, and all districts shall accept
600 electronic data that complies with the Department of Education's
601 electronic format.

602 (b) The basis for the agreement for funding students
603 enrolled in a charter school shall be the sum of the school
604 district's operating funds from the Florida Education Finance
605 Program as provided in s. 1011.62 and the General Appropriations
606 Act, including gross state and local funds, discretionary
607 lottery funds, and funds from the school district's current
608 operating discretionary millage levy; divided by total funded
609 weighted full-time equivalent students in the school district;
610 multiplied by the weighted full-time equivalent students for the
611 charter school. Charter schools whose students or programs meet
612 the eligibility criteria in law shall be entitled to their
613 proportionate share of categorical program funds included in the
614 total funds available in the Florida Education Finance Program
615 by the Legislature, including transportation. Total funding for
616 each charter school shall be recalculated during the year to
617 reflect the revised calculations under the Florida Education
618 Finance Program by the state and the actual weighted full-time
619 equivalent students reported by the charter school during the
620 full-time equivalent student survey periods designated by the
621 Commissioner of Education.



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622 (c) Each district school board may annually proportionately
623 share the revenue generated by the millage levy pursuant to s.
624 1011.71(2) with charter schools in the school district on a per-
625 student basis. If a district school board does not
626 proportionately share the revenue generated by the millage levy
627 pursuant to s. 1011.71(2), the Florida Education Finance Program
628 allocation for that school district shall be recalculated so
629 that each charter school in the school district receives, on a
630 per-student basis, the same amount of funds that it would have
631 received if the district school board shared the millage levy
632 revenue with charter schools on a per-student, pro rata basis.
633 The school district shall, within 30 days after receipt,
634 distribute the recalculated funds to each charter school in the
635 district. Charter schools may use these recalculated funds only
636 for capital outlay purposes.

637 (d)~~(e)~~ If the district school board is providing programs
638 or services to students funded by federal funds, any eligible
639 students enrolled in charter schools in the school district
640 shall be provided federal funds for the same level of service
641 provided students in the schools operated by the district school
642 board. All federal funds received by a district school board for
643 the benefit of charter schools, charter school students, or
644 charter school students as public school students in the school
645 district, including, but not limited to, Title I, Title II, and
646 IDEA funds, shall be paid in total to charter schools within 60
647 days after receipt by the district school board. Pursuant to
648 provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall
649 receive all federal funding for which the school is otherwise
650 eligible, including Title I funding, not later than 5 months



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651 after the charter school first opens and within 5 months after
652 any subsequent expansion of enrollment.

653 (e)~~(d)~~ Charter schools shall be included by the Department
654 of Education and the district school board in requests for
655 federal stimulus funds in the same manner as district school
656 board-operated public schools, including Title I and IDEA funds
657 and shall be entitled to receive such funds. Charter schools are
658 eligible to participate in federal competitive grants that are
659 available as part of the federal stimulus funds.

660 (f)~~(e)~~ District school boards shall make timely and
661 efficient payment and reimbursement to charter schools,
662 including processing paperwork required to access special state
663 and federal funding for which they may be eligible. The district
664 school board may distribute funds to a charter school for up to
665 3 months based on the projected full-time equivalent student
666 membership of the charter school. Thereafter, the results of
667 full-time equivalent student membership surveys shall be used in
668 adjusting the amount of funds distributed monthly to the charter
669 school for the remainder of the fiscal year. The payment shall
670 be issued no later than 10 working days after the district
671 school board receives a distribution of state or federal funds.
672 If a warrant for payment is not issued within 10 working days
673 after receipt of funding by the district school board, the
674 school district shall pay to the charter school, in addition to
675 the amount of the scheduled disbursement, interest at a rate of
676 1 percent per month calculated on a daily basis on the unpaid
677 balance from the expiration of the 10 working days until such
678 time as the warrant is issued.

679 (g)~~(f)~~ Funding for a virtual charter school shall be as



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680 provided in s. 1002.45(7).

681 ~~(21)~~(20) SERVICES.—

682 (a)1. A sponsor shall provide certain administrative and
683 educational services to charter schools. These services shall
684 include contract management services; full-time equivalent and
685 data reporting services; exceptional student education
686 administration services; services related to eligibility and
687 reporting duties required to ensure that school lunch services
688 under the federal lunch program, consistent with the needs of
689 the charter school, are provided by the school district at the
690 request of the charter school, that any funds due to the charter
691 school under the federal lunch program be paid to the charter
692 school as soon as the charter school begins serving food under
693 the federal lunch program, and that the charter school is paid
694 at the same time and in the same manner under the federal lunch
695 program as other public schools serviced by the sponsor or the
696 school district; test administration services, including payment
697 of the costs of state-required or district-required student
698 assessments; processing of teacher certificate data services;
699 and information services, including equal access to student
700 information systems that are used by public schools in the
701 district in which the charter school is located. Student
702 performance data for each student in a charter school,
703 including, but not limited to, FCAT scores, standardized test
704 scores, previous public school student report cards, and student
705 performance measures, shall be provided by the sponsor to a
706 charter school in the same manner provided to other public
707 schools in the district.

708 2. A total administrative fee for the provision of such



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709 services shall be calculated based upon up to 5 percent of the
710 available funds defined in paragraph (18) (b) ~~(17) (b)~~ for all
711 students. However, a sponsor may only withhold up to a 5-percent
712 administrative fee for enrollment for up to and including 250
713 students. For charter schools with a population of 251 or more
714 students, the difference between the total administrative fee
715 calculation and the amount of the administrative fee withheld
716 may only be used for capital outlay purposes specified in s.
717 1013.62(2).

718 3. For high-performing charter schools, as defined in ch.
719 2011-232, a sponsor may withhold a total administrative fee of
720 up to 2 percent for enrollment up to and including 250 students
721 per school.

722 4. In addition, a sponsor may withhold only up to a 5-
723 percent administrative fee for enrollment for up to and
724 including 500 students within a system of charter schools which
725 meets all of the following:

726 a. Includes both conversion charter schools and
727 nonconversion charter schools;

728 b. Has all schools located in the same county;

729 c. Has a total enrollment exceeding the total enrollment of
730 at least one school district in the state;

731 d. Has the same governing board; and

732 e. Does not contract with a for-profit service provider for
733 management of school operations.

734 5. The difference between the total administrative fee
735 calculation and the amount of the administrative fee withheld
736 pursuant to subparagraph 4. may be used for instructional and
737 administrative purposes as well as for capital outlay purposes



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738 specified in s. 1013.62(2).

739 6. For a high-performing charter school system that also
740 meets the requirements in subparagraph 4., a sponsor may
741 withhold a 2-percent administrative fee for enrollments up to
742 and including 500 students per system.

743 7. Sponsors shall not charge charter schools any additional
744 fees or surcharges for administrative and educational services
745 in addition to the maximum 5-percent administrative fee withheld
746 pursuant to this paragraph.

747 8. The sponsor of a virtual charter school may withhold a
748 fee of up to 5 percent. The funds shall be used to cover the
749 cost of services provided under subparagraph 1. and for the
750 school district's local instructional improvement system
751 pursuant to s. 1006.281 or other technological tools that are
752 required to access electronic and digital instructional
753 materials.

754 ~~(24)~~ ~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
755 receipt of the annual report required by paragraph (10) (k)
756 ~~(9) (k)~~, the Department of Education shall provide to the State
757 Board of Education, the Commissioner of Education, the Governor,
758 the President of the Senate, and the Speaker of the House of
759 Representatives an analysis and comparison of the overall
760 performance of charter school students, to include all students
761 whose scores are counted as part of the statewide assessment
762 program, versus comparable public school students in the
763 district as determined by the statewide assessment program
764 currently administered in the school district, and other
765 assessments administered pursuant to s. 1008.22(3).

766 Section 4. Paragraph (c) of subsection (1), paragraph (c)



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767 of subsection (2), and paragraph (b) of subsection (3) of
768 section 1002.331, Florida Statutes, are amended to read:

769 1002.331 High-performing charter schools.—

770 (1) A charter school is a high-performing charter school if
771 it:

772 (c) Did not receive a financial audit that revealed one or
773 more of the financial emergency conditions set forth in s.
774 218.503(1) in the most recent 3 fiscal years for which such
775 audits are available. However, this requirement is deemed met
776 ~~for a charter school in the workplace~~ if there is a finding in
777 an audit that the school has the monetary resources available to
778 cover any reported deficiency or that the deficiency does not
779 result in a deteriorating financial condition pursuant to s.
780 1002.345(1) (a) 3.

781
782 A virtual charter school established under s. 1002.33 is not
783 eligible for designation as a high-performing charter school.

784 (2) A high-performing charter school is authorized to:

785 (c) Submit a quarterly, rather than a monthly, financial
786 statement to the sponsor pursuant to s. 1002.33(10)(g)
787 ~~1002.33(9)(g)~~.

788
789 A high-performing charter school shall notify its sponsor in
790 writing by March 1 if it intends to increase enrollment or
791 expand grade levels the following school year. The written
792 notice shall specify the amount of the enrollment increase and
793 the grade levels that will be added, as applicable.

794 (3)

795 (b) A high-performing charter school may not establish more



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796 than three ~~one~~ charter schools ~~school~~ within the state under
797 paragraph (a) in any year. A subsequent application to establish
798 a charter school under paragraph (a) may not be submitted unless
799 each charter school established in this manner achieves high-
800 performing charter school status.

801 Section 5. Paragraph (c) is added to subsection (2) of
802 section 1002.332, Florida Statutes, to read:

803 1002.332 High-performing charter school system.—

804 (2)

805 (c) A high-performing charter school that is part of a
806 high-performing charter school system may:

807 1. Increase its student enrollment once per school year by
808 up to 15 percent more than the capacity identified in the
809 charter.

810 2. Expand grade levels within kindergarten through grade 12
811 to add grade levels not already served if any annual enrollment
812 increase resulting from grade level expansion is within the
813 limit established in subparagraph 1.

814 3. Submit a quarterly, rather than a monthly, financial
815 statement to the sponsor pursuant to s. 1002.33(10)(g).

816 4. Consolidate under a single charter the charters of
817 multiple high-performing charter schools operated in the same
818 school district by the charter schools' governing boards,
819 regardless of the renewal cycle.

820 5. Receive a modification of its charter to a term of 15
821 years or a 15-year charter renewal. The charter may be modified
822 or renewed for a shorter term at the option of the high-
823 performing charter school. The charter must be consistent with
824 s. 1002.33(7)(a)19. and (11)(h) and (i), is subject to annual



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825 review by the sponsor, and may be terminated during its term
826 pursuant to s. 1002.33(8).

827
828 A high-performing charter school that is part of a high-
829 performing charter school system shall notify its sponsor in
830 writing by March 1 if it intends to increase enrollment or
831 expand grade levels the following school year. The written
832 notice shall specify the amount of the enrollment increase and
833 the grade levels that will be added, as applicable.

834 Section 6. Paragraph (c) of subsection (10) and subsection
835 (13) of section 1002.34, Florida Statutes, are amended to read:

836 1002.34 Charter technical career centers.-

837 (10) EXEMPTION FROM STATUTES.-

838 (c) A center must comply with the antidiscrimination
839 provisions in s. 1000.05 and the provisions in s. 1002.33(25)
840 ~~1002.33(24)~~ which relate to the employment of relatives.

841 (13) BOARD OF DIRECTORS AUTHORITY.-The board of directors
842 of a center may decide matters relating to the operation of the
843 school, including budgeting, curriculum, and operating
844 procedures, subject to the center's charter. The board of
845 directors is responsible for performing the duties provided in
846 s. 1002.345, including monitoring the corrective action plan.
847 The board of directors must comply with s. 1002.33(27)
848 ~~1002.33(26)~~.

849 Section 7. Paragraphs (a) and (d) of subsection (1) and
850 paragraph (b) of subsection (2) of section 1002.345, Florida
851 Statutes, are amended to read:

852 1002.345 Determination of deteriorating financial
853 conditions and financial emergencies for charter schools and



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854 charter technical career centers.—This section applies to
855 charter schools operating pursuant to s. 1002.33 and to charter
856 technical career centers operating pursuant to s. 1002.34.

857 (1) EXPEDITED REVIEW; REQUIREMENTS.—

858 (a) A charter school or a charter technical career center
859 is subject to an expedited review by the sponsor if one of the
860 following occurs:

861 1. Failure to provide for an audit required by s. 218.39.

862 2. Failure to comply with reporting requirements pursuant
863 to s. 1002.33(10) ~~1002.33(9)~~ or s. 1002.34(11)(f) or (14).

864 3. A deteriorating financial condition identified through
865 an annual audit pursuant to s. 218.39(5) or a monthly financial
866 statement pursuant to s. 1002.33(10)(g) ~~1002.33(9)(g)~~ or s.
867 1002.34(11)(f). “Deteriorating financial condition” means a
868 circumstance that significantly impairs the ability of a charter
869 school or a charter technical career center to generate enough
870 revenues to meet its expenditures without causing the occurrence
871 of a condition described in s. 218.503(1).

872 4. Notification pursuant to s. 218.503(2) that one or more
873 of the conditions specified in s. 218.503(1) have occurred or
874 will occur if action is not taken to assist the charter school
875 or charter technical career center.

876 (d) The governing board shall include the corrective action
877 plan and the status of its implementation in the annual progress
878 report to the sponsor which is required pursuant to s.
879 1002.33(10)(k) ~~1002.33(9)(k)~~ or s. 1002.34(14).

880 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

881 (b) The governing board shall include the financial
882 recovery plan and the status of its implementation in the annual



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883 progress report to the sponsor which is required under s.
884 1002.33(10)(k) ~~1002.33(9)(k)~~ or s. 1002.34(14).

885 Section 8. Section 1011.68, Florida Statutes, is amended to
886 read:

887 1011.68 Funds for student transportation.—The annual
888 allocation to each district for transportation to public school
889 programs, including charter schools as provided in s.

890 1002.33(18)(b) ~~1002.33(17)(b)~~, of students in membership in
891 kindergarten through grade 12 and in migrant and exceptional
892 student programs below kindergarten shall be determined as
893 follows:

894 (1) Subject to the rules of the State Board of Education,
895 each district shall determine the membership of students who are
896 transported:

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

898 (b) By reason of being students with disabilities or
899 enrolled in a teenage parent program, regardless of distance to
900 school.

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

903 (d) By reason of being career, dual enrollment, or students
904 with disabilities transported from one school center to another
905 to participate in an instructional program or service; or
906 students with disabilities, transported from one designation to
907 another in the state, provided one designation is a school
908 center and provided the student's individual educational plan
909 (IEP) identifies the need for the instructional program or
910 service and transportation to be provided by the school
911 district. A "school center" is defined as a public school



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912 center, Florida College System institution, state university, or
913 other facility rented, leased, or owned and operated by the
914 school district or another public agency. A "dual enrollment
915 student" is defined as a public school student in membership in
916 both a public secondary school program and a Florida College
917 System institution or a state university program under a written
918 agreement to partially fulfill ss. 1003.435 and 1007.23 and
919 earning full-time equivalent membership under s. 1011.62(1)(i).

920 (e) With respect to elementary school students whose grade
921 level does not exceed grade 6, by reason of being subjected to
922 hazardous walking conditions en route to or from school as
923 provided in s. 1006.23. Such rules shall, when appropriate,
924 provide for the determination of membership under this paragraph
925 for less than 1 year to accommodate the needs of students who
926 require transportation only until such hazardous conditions are
927 corrected.

928 (f) By reason of being a pregnant student or student
929 parent, and the child of a student parent as provided in s.
930 1003.54, regardless of distance from school.

931 (2) The allocation for each district shall be calculated
932 annually in accordance with the following formula:

933

934 $T = B + EX$. The elements of this formula are defined as follows:
935 T is the total dollar allocation for transportation. B is the
936 base transportation dollar allocation prorated by an adjusted
937 student membership count. The adjusted membership count shall be
938 derived from a multiplicative index function in which the base
939 student membership is adjusted by multiplying it by index
940 numbers that individually account for the impact of the price



941 level index, average bus occupancy, and the extent of rural
942 population in the district. EX is the base transportation dollar
943 allocation for disabled students prorated by an adjusted
944 disabled student membership count. The base transportation
945 dollar allocation for disabled students is the total state base
946 disabled student membership count weighted for increased costs
947 associated with transporting disabled students and multiplying
948 it by an average per student cost for transportation as
949 determined by the Legislature. The adjusted disabled student
950 membership count shall be derived from a multiplicative index
951 function in which the weighted base disabled student membership
952 is adjusted by multiplying it by index numbers that individually
953 account for the impact of the price level index, average bus
954 occupancy, and the extent of rural population in the district.
955 Each adjustment factor shall be designed to affect the base
956 allocation by no more or less than 10 percent.

957 (3) The total allocation to each district for
958 transportation of students shall be the sum of the amounts
959 determined in subsection (2). If the funds appropriated for the
960 purpose of implementing this section are not sufficient to pay
961 the base transportation allocation and the base transportation
962 allocation for disabled students, the Department of Education
963 shall prorate the available funds on a percentage basis. If the
964 funds appropriated for the purpose of implementing this section
965 exceed the sum of the base transportation allocation and the
966 base transportation allocation for disabled students, the base
967 transportation allocation for disabled students shall be limited
968 to the amount calculated in subsection (2), and the remaining
969 balance shall be added to the base transportation allocation.



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

974 (5) Funds allocated or apportioned for the payment of
975 student transportation services may be used to pay for
976 transportation of students to and from school on local general
977 purpose transportation systems. Student transportation funds may
978 also be used to pay for transportation of students to and from
979 school in private passenger cars and boats when the
980 transportation is for isolated students, or students with
981 disabilities as defined by rule. Subject to the rules of the
982 State Board of Education, each school district shall determine
983 and report the number of assigned students using general purpose
984 transportation private passenger cars and boats. The allocation
985 per student must be equal to the allocation per student riding a
986 school bus.

987 (6) Notwithstanding other provisions of this section, in no
988 case shall any student or students be counted for transportation
989 funding more than once per day. This provision includes counting
990 students for funding pursuant to trips in school buses,
991 passenger cars, or boats or general purpose transportation.

992 Section 9. Paragraph (b) of subsection (2) of section
993 1012.32, Florida Statutes, is amended to read:

994 1012.32 Qualifications of personnel.-

995 (2)

996 (b) Instructional and noninstructional personnel who are
997 hired or contracted to fill positions in any charter school and
998 members of the governing board of any charter school, in



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999 compliance with s. 1002.33(13)(g) ~~1002.33(12)(g)~~, must, upon
1000 employment, engagement of services, or appointment, undergo
1001 background screening as required under s. 1012.465 or s.
1002 1012.56, whichever is applicable, by filing with the district
1003 school board for the school district in which the charter school
1004 is located a complete set of fingerprints taken by an authorized
1005 law enforcement agency or an employee of the school or school
1006 district who is trained to take fingerprints.

1007
1008 Fingerprints shall be submitted to the Department of Law
1009 Enforcement for statewide criminal and juvenile records checks
1010 and to the Federal Bureau of Investigation for federal criminal
1011 records checks. A person subject to this subsection who is found
1012 ineligible for employment under s. 1012.315, or otherwise found
1013 through background screening to have been convicted of any crime
1014 involving moral turpitude as defined by rule of the State Board
1015 of Education, shall not be employed, engaged to provide
1016 services, or serve in any position that requires direct contact
1017 with students. Probationary persons subject to this subsection
1018 terminated because of their criminal record have the right to
1019 appeal such decisions. The cost of the background screening may
1020 be borne by the district school board, the charter school, the
1021 employee, the contractor, or a person subject to this
1022 subsection.

1023 Section 10. Paragraphs (a) and (e) of subsection (1) and
1024 subsection (2) of section 1013.62, Florida Statutes, are amended
1025 to read:

1026 1013.62 Charter schools capital outlay funding.-

1027 (1) In each year in which funds are appropriated for



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1028 charter school capital outlay purposes, the Commissioner of
1029 Education shall allocate the funds among eligible charter
1030 schools.

1031 (a) To be eligible for a funding allocation, a charter
1032 school must:

1033 1.a. Have been in operation for 3 or more years;

1034 b. Be governed by a governing board established in the
1035 state for 3 or more years which operates both charter schools
1036 and conversion charter schools within the state;

1037 c. Be an expanded feeder chain of a charter school within
1038 the same school district that is currently receiving charter
1039 school capital outlay funds;

1040 d. Have been accredited by the Commission on Schools of the
1041 Southern Association of Colleges and Schools; or

1042 e. Serve students in facilities that are provided by a
1043 business partner for a charter school-in-the-workplace pursuant
1044 to s. 1002.33(16)(b) ~~1002.33(15)(b)~~.

1045 2. Have financial stability for future operation as a
1046 charter school.

1047 3. Have satisfactory student achievement based on state
1048 accountability standards applicable to the charter school.

1049 4. Have received final approval from its sponsor pursuant
1050 to s. 1002.33 for operation during that fiscal year.

1051 5. Serve students in facilities that are not provided by
1052 the charter school's sponsor.

1053 (e) Unless otherwise provided in the General Appropriations
1054 Act, the funding allocation for each eligible charter school is
1055 determined by multiplying the school's projected student
1056 enrollment by one-fifteenth of the cost-per-student station



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1057 specified in s. 1013.64(6)(b) for an elementary, middle, or high
1058 school, as appropriate. If the funds appropriated are not
1059 sufficient, the commissioner shall prorate the available funds
1060 among eligible charter schools. However, a charter school or
1061 charter lab school may not receive state charter school capital
1062 outlay funds greater than the one-fifteenth cost per student
1063 station formula if the charter school's combination of state
1064 charter school capital outlay funds, capital outlay funds
1065 calculated through the reduction in the administrative fee
1066 provided in s. 1002.33(21) ~~1002.33(20)~~, and capital outlay funds
1067 allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth
1068 cost per student station formula.

1069 (2) A charter school's governing body may use charter
1070 school capital outlay funds for the following purposes:

1071 (a) Purchase of real property.

1072 (b) Construction of school facilities.

1073 (c) Purchase, lease-purchase, or lease of permanent or
1074 relocatable school facilities.

1075 (d) Purchase of vehicles to transport students to and from
1076 the charter school.

1077 (e) Renovation, repair, and maintenance of school
1078 facilities that the charter school owns or is purchasing through
1079 a lease-purchase or long-term lease of 5 years or longer.

1080 (f) Effective July 1, 2008, purchase, lease-purchase, or
1081 lease of new and replacement equipment, and enterprise resource
1082 software applications that are classified as capital assets in
1083 accordance with definitions of the Governmental Accounting
1084 Standards Board, have a useful life of at least 5 years, and are
1085 used to support schoolwide administration or state-mandated



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1086 reporting requirements.

1087 (g) Payment of the cost of premiums for property and
1088 casualty insurance necessary to insure the school facilities.

1089 (h) Purchase, lease-purchase, or lease of driver's
1090 education vehicles; motor vehicles used for the maintenance or
1091 operation of plants and equipment; security vehicles; or
1092 vehicles used in storing or distributing materials and
1093 equipment.

1094
1095 Conversion charter schools may use capital outlay funds received
1096 through the reduction in the administrative fee provided in s.
1097 1002.33(21) ~~1002.33(20)~~ for renovation, repair, and maintenance
1098 of school facilities that are owned by the sponsor.

1099 Section 11. This act shall take effect July 1, 2012.

1100
1101 ===== T I T L E A M E N D M E N T =====

1102 And the title is amended as follows:

1103 Delete everything before the enacting clause
1104 and insert:

1105 A bill to be entitled
1106 An act relating to charter schools; amending ss.
1107 163.3180 and 1002.32, F.S.; conforming cross-
1108 references to conform to changes made by the act;
1109 amending s. 1002.33, F.S.; providing that a sponsor's
1110 policies and procedures and previous school board
1111 decisions do not apply to a charter school under
1112 certain circumstances; clarifying provisions that
1113 prohibit a sponsor from imposing additional reporting
1114 requirements on a charter school; providing that a



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1115 Florida College System institution may operate no more
1116 than one charter school that serves students in
1117 kindergarten through grade 12 in each school district
1118 in which the institution serves, if the institution
1119 operates an approved teacher preparation program;
1120 requiring that a district school board provide a
1121 charter school with training and access to a school
1122 district's student achievement databases, if academic
1123 student performance data cannot be provided;
1124 conforming provisions to changes made by the act
1125 relating to authorized activities of a high-performing
1126 charter school that is part of a high-performing
1127 charter school system; authorizing a charter school or
1128 sponsor to file a formal grievance with the Department
1129 of Education and to request mediation if the charter
1130 school or sponsor is unable to resolve any outstanding
1131 issues between the charter school and sponsor;
1132 requiring that any activities associated with the
1133 closing of a charter school cease, upon the filing of
1134 such formal grievance and request for mediation, until
1135 a resolution is reached, unless terminated under
1136 certain circumstances; authorizing a charter school
1137 cooperative organization to submit a professional
1138 development plan on behalf of its member schools to
1139 the State Board of Education for the purpose of
1140 meeting continuing education requirements; authorizing
1141 each district school board to share revenue generated
1142 by its capital outlay millage levy with charter
1143 schools on a per-student, pro rata basis; providing



1144 for recalculation of a school district's Florida
1145 Education Finance Program allocation if the millage
1146 levy revenue is not shared; providing for distribution
1147 of recalculated funds; requiring payment to charter
1148 schools of certain federal funds received by a
1149 district school board; amending s. 1002.331, F.S.;
1150 revising requirements for designation as a high-
1151 performing charter school; conforming a cross-
1152 reference; revising the restriction on the
1153 establishment of new charter schools that replicate a
1154 high-performing charter school's educational program;
1155 amending s. 1002.332, F.S.; authorizing a high-
1156 performing charter school that is part of a high-
1157 performing charter school system to increase student
1158 enrollment, expand grade levels, submit quarterly
1159 financial statements, consolidate charters, and modify
1160 charter terms; amending ss. 1002.34, 1002.345,
1161 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-
1162 references; providing an effective date.