

By the Committee on Education Pre-K - 12; and Senator Wise

581-02992-12

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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 to conform to changes made by the act;
5 amending s. 1002.33, F.S.; providing that a sponsor's
6 policies and procedures and previous school board
7 decisions do not apply to a charter school under
8 certain circumstances; clarifying provisions that
9 prohibit a sponsor from imposing additional reporting
10 requirements on a charter school; providing that a
11 Florida College System institution may operate no more
12 than one charter school that serves students in
13 kindergarten through grade 12 in each school district
14 in which the institution serves, if the institution
15 operates an approved teacher preparation program;
16 requiring that a district school board provide a
17 charter school with training and access to a school
18 district's student achievement databases, if academic
19 student performance data cannot be provided;
20 conforming provisions to changes made by the act
21 relating to authorized activities of a high-performing
22 charter school that is part of a high-performing
23 charter school system; authorizing a charter school or
24 sponsor to file a formal grievance with the Department
25 of Education and to request mediation if the charter
26 school or sponsor is unable to resolve any outstanding
27 issues between the charter school and sponsor;
28 requiring that any activities associated with the
29 closing of a charter school cease, upon the filing of

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30 such formal grievance and request for mediation, until
31 a resolution is reached, unless terminated under
32 certain circumstances; authorizing a charter school
33 cooperative organization to submit a professional
34 development plan on behalf of its member schools to
35 the State Board of Education for the purpose of
36 meeting continuing education requirements; authorizing
37 each district school board to share revenue generated
38 by its capital outlay millage levy with charter
39 schools on a per-student, pro rata basis; providing
40 for recalculation of a school district's Florida
41 Education Finance Program allocation if the millage
42 levy revenue is not shared; providing for distribution
43 of recalculated funds; requiring payment to charter
44 schools of certain federal funds received by a
45 district school board; amending s. 1002.331, F.S.;
46 revising requirements for designation as a high-
47 performing charter school; conforming a cross-
48 reference; revising the restriction on the
49 establishment of new charter schools that replicate a
50 high-performing charter school's educational program;
51 amending s. 1002.332, F.S.; authorizing a high-
52 performing charter school that is part of a high-
53 performing charter school system to increase student
54 enrollment, expand grade levels, submit quarterly
55 financial statements, consolidate charters, and modify
56 charter terms; amending ss. 1002.34, 1002.345,
57 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-
58 references; providing an effective date.

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

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 the following factors are shown to exist:

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

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

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

2. If a local government applies school concurrency, it may not deny an application for site plan, final subdivision

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88 approval, or the functional equivalent for a development or
89 phase of a development authorizing residential development for
90 failure to achieve and maintain the level-of-service standard
91 for public school capacity in a local school concurrency
92 management system where adequate school facilities will be in
93 place or under actual construction within 3 years after the
94 issuance of final subdivision or site plan approval, or the
95 functional equivalent. School concurrency is satisfied if the
96 developer executes a legally binding commitment to provide
97 mitigation proportionate to the demand for public school
98 facilities to be created by actual development of the property,
99 including, but not limited to, the options described in sub-
100 subparagraph a. Options for proportionate-share mitigation of
101 impacts on public school facilities must be established in the
102 comprehensive plan and the interlocal agreement pursuant to s.
103 163.31777.

104 a. Appropriate mitigation options include the contribution
105 of land; the construction, expansion, or payment for land
106 acquisition or construction of a public school facility; the
107 construction of a charter school that complies with the
108 requirements of s. 1002.33(19) ~~1002.33(18)~~; or the creation of
109 mitigation banking based on the construction of a public school
110 facility in exchange for the right to sell capacity credits.
111 Such options must include execution by the applicant and the
112 local government of a development agreement that constitutes a
113 legally binding commitment to pay proportionate-share mitigation
114 for the additional residential units approved by the local
115 government in a development order and actually developed on the
116 property, taking into account residential density allowed on the

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117 property prior to the plan amendment that increased the overall
118 residential density. The district school board must be a party
119 to such an agreement. As a condition of its entry into such a
120 development agreement, the local government may require the
121 landowner to agree to continuing renewal of the agreement upon
122 its expiration.

123 b. If the interlocal agreement and the local government
124 comprehensive plan authorize a contribution of land; the
125 construction, expansion, or payment for land acquisition; the
126 construction or expansion of a public school facility, or a
127 portion thereof; or the construction of a charter school that
128 complies with the requirements of s. 1002.33(19) ~~1002.33(18)~~, as
129 proportionate-share mitigation, the local government shall
130 credit such a contribution, construction, expansion, or payment
131 toward any other impact fee or exaction imposed by local
132 ordinance for the same need, on a dollar-for-dollar basis at
133 fair market value.

134 c. Any proportionate-share mitigation must be directed by
135 the school board toward a school capacity improvement identified
136 in the 5-year school board educational facilities plan that
137 satisfies the demands created by the development in accordance
138 with a binding developer's agreement.

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

143 Section 2. Paragraph (c) of subsection (9) of section
144 1002.32, Florida Statutes, is amended to read:

145 1002.32 Developmental research (laboratory) schools.-

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

148 (c) All operating funds provided under this section shall
149 be deposited in a Lab School Trust Fund and shall be expended
150 for the purposes of this section. The university assigned a lab
151 school shall be the fiscal agent for these funds, and all rules
152 of the university governing the budgeting and expenditure of
153 state funds shall apply to these funds unless otherwise provided
154 by law or rule of the State Board of Education. The university
155 board of trustees shall be the public employer of lab school
156 personnel for collective bargaining purposes for lab schools in
157 operation prior to the 2002-2003 fiscal year. Employees of
158 charter lab schools authorized prior to June 1, 2003, but not in
159 operation prior to the 2002-2003 fiscal year shall be employees
160 of the entity holding the charter and must comply with the
161 provisions of s. 1002.33(13) ~~1002.33(12)~~.

162 Section 3. Subsection (1), paragraph (b) of subsection (5),
163 paragraph (c) of subsection (6), paragraph (a) of subsection
164 (7), paragraphs (b) and (g) of present subsection (9),
165 paragraphs (d), (e), (h), and (i) of present subsection (10),
166 present subsection (13), paragraphs (b) and (c) of present
167 subsection (15), present subsection (17), paragraph (a) of
168 present subsection (20), and present subsection (23) of section
169 1002.33, Florida Statutes, are amended, present subsections (9)
170 through (27) of that section are redesignated as subsections
171 (10) through (28), respectively, and a new subsection (9) is
172 added to that section, to read:

173 1002.33 Charter schools.—

174 (1) AUTHORIZATION.—Charter schools shall be part of the

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175 state's program of public education. All charter schools in
176 Florida are public schools. A charter school may be formed by
177 creating a new school or converting an existing public school to
178 charter status. A charter school may operate a virtual charter
179 school pursuant to s. 1002.45(1)(d) to provide full-time online
180 instruction to eligible students, pursuant to s. 1002.455, in
181 kindergarten through grade 12. A charter school must amend its
182 charter or submit a new application pursuant to subsection (6)
183 to become a virtual charter school. A virtual charter school is
184 subject to the requirements of this section; however, a virtual
185 charter school is exempt from subsections (19) ~~(18)~~ and (20)
186 ~~(19)~~, subparagraphs (21)(a)2.-5. ~~(20)(a)2.-5.~~, paragraph (21)(c)
187 ~~(20)(e)~~, and s. 1003.03. A public school may not use the term
188 charter in its name unless it has been approved under this
189 section.

190 (5) SPONSOR; DUTIES.—

191 (b) *Sponsor duties.*—

192 1.a. The sponsor shall monitor and review the charter
193 school in its progress toward the goals established in the
194 charter.

195 b. The sponsor shall monitor the revenues and expenditures
196 of the charter school and perform the duties provided in s.
197 1002.345.

198 c. The sponsor may approve a charter for a charter school
199 before the applicant has identified space, equipment, or
200 personnel, if the applicant indicates approval is necessary for
201 it to raise working funds.

202 d. The sponsor's policies and procedures and previous
203 school board decisions, which are not consistent with the

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204 requirements in this section, shall not apply to a charter
205 school unless mutually agreed to by both the sponsor and the
206 charter school.

207 e. The sponsor shall ensure that the charter is innovative
208 and consistent with the state education goals established by s.
209 1000.03(5).

210 f. The sponsor shall ensure that the charter school
211 participates in the state's education accountability system. If
212 a charter school falls short of performance measures included in
213 the approved charter, the sponsor shall report such shortcomings
214 to the Department of Education.

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

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

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

224 j. The sponsor shall not impose additional reporting
225 requirements beyond those contained in this section on a charter
226 school without providing reasonable and specific justification
227 in writing to the charter school.

228 2. Immunity for the sponsor of a charter school under
229 subparagraph 1. applies only with respect to acts or omissions
230 not under the sponsor's direct authority as described in this
231 section.

232 3. This paragraph does not waive a district school board's

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233 sovereign immunity.

234 4. A Florida College System institution may work with the
235 school district or school districts in its designated service
236 area to develop charter schools that offer secondary education.
237 These charter schools must include an option for students to
238 receive an associate degree upon high school graduation. If a
239 Florida College System institution operates an approved teacher
240 preparation program under s. 1004.04 or s. 1004.85, the Florida
241 College System institution may operate no more than one charter
242 school that serves students in kindergarten through grade 12 in
243 each school district in which the Florida College System
244 institution serves. District school boards shall cooperate with
245 and assist the Florida College System institution on the charter
246 application. Florida College System institution applications for
247 charter schools are not subject to the time deadlines outlined
248 in subsection (6) and may be approved by the district school
249 board at any time during the year. Florida College System
250 institutions may not report FTE for any students who receive FTE
251 funding through the Florida Education Finance Program.

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

254 (c)1. An applicant may appeal any denial of that
255 applicant's application or failure to act on an application to
256 the State Board of Education no later than 30 calendar days
257 after receipt of the sponsor's decision or failure to act and
258 shall notify the sponsor of its appeal. Any response of the
259 sponsor shall be submitted to the State Board of Education
260 within 30 calendar days after notification of the appeal. Upon
261 receipt of notification from the State Board of Education that a

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262 charter school applicant is filing an appeal, the Commissioner
263 of Education shall convene a meeting of the Charter School
264 Appeal Commission to study and make recommendations to the State
265 Board of Education regarding its pending decision about the
266 appeal. The commission shall forward its recommendation to the
267 state board no later than 7 calendar days prior to the date on
268 which the appeal is to be heard.

269 2. The Charter School Appeal Commission may reject an
270 appeal submission for failure to comply with procedural rules
271 governing the appeals process. The rejection shall describe the
272 submission errors. The appellant shall have 15 calendar days
273 after notice of rejection in which to resubmit an appeal that
274 meets the requirements set forth in State Board of Education
275 rule. An appeal submitted subsequent to such rejection is
276 considered timely if the original appeal was filed within 30
277 calendar days after receipt of notice of the specific reasons
278 for the sponsor's denial of the charter application.

279 3.a. The State Board of Education shall by majority vote
280 accept or reject the decision of the sponsor no later than 90
281 calendar days after an appeal is filed in accordance with State
282 Board of Education rule. The State Board of Education shall
283 remand the application to the sponsor with its written decision
284 that the sponsor approve or deny the application. The sponsor
285 shall implement the decision of the State Board of Education.
286 The decision of the State Board of Education is not subject to
287 the provisions of the Administrative Procedure Act, chapter 120.

288 b. If an appeal concerns an application submitted by a
289 high-performing charter school identified pursuant to s.
290 1002.331, the State Board of Education shall determine whether

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291 the sponsor has shown, by clear and convincing evidence, that:

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

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

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

300 (IV) The applicant has made a material misrepresentation or
301 false statement or concealed an essential or material fact
302 during the application process; or

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

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307 The State Board of Education shall approve or reject the
308 sponsor's denial of an application no later than 90 calendar
309 days after an appeal is filed in accordance with State Board of
310 Education rule. The State Board of Education shall remand the
311 application to the sponsor with its written decision that the
312 sponsor approve or deny the application. The sponsor shall
313 implement the decision of the State Board of Education. The
314 decision of the State Board of Education is not subject to the
315 Administrative Procedure Act, chapter 120.

316 (7) CHARTER.—The major issues involving the operation of a
317 charter school shall be considered in advance and written into
318 the charter. The charter shall be signed by the governing board
319 of the charter school and the sponsor, following a public

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320 hearing to ensure community input.

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

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

325 2. The focus of the curriculum, the instructional methods
326 to be used, any distinctive instructional techniques to be
327 employed, and identification and acquisition of appropriate
328 technologies needed to improve educational and administrative
329 performance which include a means for promoting safe, ethical,
330 and appropriate uses of technology which comply with legal and
331 professional standards.

332 a. The charter shall ensure that reading is a primary focus
333 of the curriculum and that resources are provided to identify
334 and provide specialized instruction for students who are reading
335 below grade level. The curriculum and instructional strategies
336 for reading must be consistent with the Sunshine State Standards
337 and grounded in scientifically based reading research.

338 b. In order to provide students with access to diverse
339 instructional delivery models, to facilitate the integration of
340 technology within traditional classroom instruction, and to
341 provide students with the skills they need to compete in the
342 21st century economy, the Legislature encourages instructional
343 methods for blended learning courses consisting of both
344 traditional classroom and online instructional techniques.
345 Charter schools may implement blended learning courses that
346 ~~which~~ combine traditional classroom instruction and virtual
347 instruction. Students in a blended learning course must be full-
348 time students of the charter school and receive the online

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349 instruction in a classroom setting at the charter school.
350 Instructional personnel certified pursuant to s. 1012.55 who
351 provide virtual instruction for blended learning courses may be
352 employees of the charter school or may be under contract to
353 provide instructional services to charter school students. At a
354 minimum, such instructional personnel must hold an active state
355 or school district adjunct certification under s. 1012.57 for
356 the subject area of the blended learning course. The funding and
357 performance accountability requirements for blended learning
358 courses are the same as those for traditional courses.

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

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

365 b. How these baseline rates will be compared to rates of
366 academic progress achieved by these same students while
367 attending the charter school.

368 c. To the extent possible, how these rates of progress will
369 be evaluated and compared with rates of progress of other
370 closely comparable student populations.

371
372 The district school board is required to provide academic
373 student performance data to charter schools for each of their
374 students coming from the district school system, as well as
375 rates of academic progress of comparable student populations in
376 the district school system. If academic student performance data
377 cannot be provided to a charter school, the district school

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378 board shall provide the charter school with training and access
379 to the school district's student achievement databases.

380 4. The methods used to identify the educational strengths
381 and needs of students and how well educational goals and
382 performance standards are met by students attending the charter
383 school. The methods shall provide a means for the charter school
384 to ensure accountability to its constituents by analyzing
385 student performance data and by evaluating the effectiveness and
386 efficiency of its major educational programs. Students in
387 charter schools shall, at a minimum, participate in the
388 statewide assessment program created under s. 1008.22.

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

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

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

396 8. The ways by which the school will achieve a
397 racial/ethnic balance reflective of the community it serves or
398 within the racial/ethnic range of other public schools in the
399 same school district.

400 9. The financial and administrative management of the
401 school, including a reasonable demonstration of the professional
402 experience or competence of those individuals or organizations
403 applying to operate the charter school or those hired or
404 retained to perform such professional services and the
405 description of clearly delineated responsibilities and the
406 policies and practices needed to effectively manage the charter

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407 school. A description of internal audit procedures and
408 establishment of controls to ensure that financial resources are
409 properly managed must be included. Both public sector and
410 private sector professional experience shall be equally valid in
411 such a consideration.

412 10. The asset and liability projections required in the
413 application which are incorporated into the charter and shall be
414 compared with information provided in the annual report of the
415 charter school.

416 11. A description of procedures that identify various risks
417 and provide for a comprehensive approach to reduce the impact of
418 losses; plans to ensure the safety and security of students and
419 staff; plans to identify, minimize, and protect others from
420 violent or disruptive student behavior; and the manner in which
421 the school will be insured, including whether or not the school
422 will be required to have liability insurance, and, if so, the
423 terms and conditions thereof and the amounts of coverage.

424 12. The term of the charter, which shall provide for
425 cancellation of the charter if insufficient progress has been
426 made in attaining the student achievement objectives of the
427 charter and if it is not likely that such objectives can be
428 achieved before expiration of the charter. The initial term of a
429 charter shall be for 4 or 5 years. In order to facilitate access
430 to long-term financial resources for charter school
431 construction, charter schools that are operated by a
432 municipality or other public entity as provided by law are
433 eligible for up to a 15-year charter, subject to approval by the
434 district school board. A charter lab school is eligible for a
435 charter for a term of up to 15 years. In addition, to facilitate

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436 access to long-term financial resources for charter school
437 construction, charter schools that are operated by a private,
438 not-for-profit, s. 501(c)(3) status corporation are eligible for
439 up to a 15-year charter, subject to approval by the district
440 school board. Such long-term charters remain subject to annual
441 review and may be terminated during the term of the charter, but
442 only according to the provisions set forth in subsection (8).

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

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

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

450 16. A timetable for implementing the charter which
451 addresses the implementation of each element thereof and the
452 date by which the charter shall be awarded in order to meet this
453 timetable.

454 17. In the case of an existing public school that is being
455 converted to charter status, alternative arrangements for
456 current students who choose not to attend the charter school and
457 for current teachers who choose not to teach in the charter
458 school after conversion in accordance with the existing
459 collective bargaining agreement or district school board rule in
460 the absence of a collective bargaining agreement. However,
461 alternative arrangements are ~~shall~~ not be required for current
462 teachers who choose not to teach in a charter lab school, except
463 as authorized by the employment policies of the state university
464 that ~~which~~ grants the charter to the lab school.

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465 18. Full disclosure of the identity of all relatives
466 employed by the charter school who are related to the charter
467 school owner, president, chairperson of the governing board of
468 directors, superintendent, governing board member, principal,
469 assistant principal, or any other person employed by the charter
470 school who has equivalent decisionmaking authority. For the
471 purpose of this subparagraph, the term "relative" means father,
472 mother, son, daughter, brother, sister, uncle, aunt, first
473 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
474 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
475 stepfather, stepmother, stepson, stepdaughter, stepbrother,
476 stepsister, half brother, or half sister.

477 19. Implementation of the activities authorized under s.
478 1002.331 or s. 1002.332 by the charter school when it satisfies
479 the eligibility requirements for a high-performing charter
480 school. A high-performing charter school shall notify its
481 sponsor in writing by March 1 if it intends to increase
482 enrollment or expand grade levels the following school year. The
483 written notice shall specify the amount of the enrollment
484 increase and the grade levels that will be added, as applicable.

485 (9) FORMAL GRIEVANCES; MEDIATION.—A charter school or
486 sponsor may file a formal grievance with the Department of
487 Education and request mediation if the charter school or sponsor
488 is unable to resolve any outstanding issues between the charter
489 school and the sponsor. Upon the filing of such formal grievance
490 and request for mediation, any activities associated with the
491 closing of a charter school shall cease until a resolution is
492 reached, unless the charter is terminated pursuant to paragraph
493 (8) (d).

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494 (10)~~(9)~~ CHARTER SCHOOL REQUIREMENTS.—

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

497 (g) In order to provide financial information that is
498 comparable to that reported for other public schools, charter
499 schools are to maintain all financial records that constitute
500 their accounting system:

501 1. In accordance with the accounts and codes prescribed in
502 the most recent issuance of the publication titled "Financial
503 and Program Cost Accounting and Reporting for Florida Schools";
504 or

505 2. At the discretion of the charter school's governing
506 board, a charter school may elect to follow generally accepted
507 accounting standards for not-for-profit organizations, but must
508 reformat this information for reporting according to this
509 paragraph.

510
511 Charter schools shall provide annual financial report and
512 program cost report information in the state-required formats
513 for inclusion in district reporting in compliance with s.
514 1011.60(1). Charter schools that are operated by a municipality
515 or are a component unit of a parent nonprofit organization may
516 use the accounting system of the municipality or the parent but
517 must reformat this information for reporting according to this
518 paragraph. A charter school shall provide a monthly financial
519 statement to the sponsor unless the charter school is designated
520 as a high-performing charter school pursuant to s. 1002.331 or
521 s. 1002.332, in which case the high-performing charter school
522 may provide a quarterly financial statement. The financial

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523 statement required under this paragraph shall be in a form
524 prescribed by the Department of Education.

525 (11) ~~(10)~~ ELIGIBLE STUDENTS.—

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

528 1. Students who are siblings of a student enrolled in the
529 charter school.

530 2. Students who are the children of a member of the
531 governing board of the charter school.

532 3. Students who are the children of an employee of the
533 charter school.

534 4. Students who are the children of:

535 a. An employee of the business partner of a charter school-
536 in-the-workplace established under paragraph (16) (b) ~~(15) (b)~~ or
537 a resident of the municipality in which such charter school is
538 located; or

539 b. A resident of a municipality that operates a charter
540 school-in-a-municipality pursuant to paragraph (16) (c) ~~(15) (e)~~.

541 5. Students who have successfully completed a voluntary
542 prekindergarten education program under ss. 1002.51-1002.79
543 provided by the charter school or the charter school's governing
544 board during the previous year.

545 6. Students who are the children of an active duty member
546 of any branch of the United States Armed Forces.

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

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

550 2. Students considered at risk of dropping out of school or
551 academic failure. Such students shall include exceptional

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552 education students.

553 3. Students enrolling in a charter school-in-the-workplace
554 or charter school-in-a-municipality established pursuant to
555 subsection (16) ~~(15)~~.

556 4. Students residing within a reasonable distance of the
557 charter school, as described in paragraph (21) (c) ~~(20) (e)~~. Such
558 students shall be subject to a random lottery and to the
559 racial/ethnic balance provisions described in subparagraph
560 (7) (a)8. or any federal provisions that require a school to
561 achieve a racial/ethnic balance reflective of the community it
562 serves or within the racial/ethnic range of other public schools
563 in the same school district.

564 5. Students who meet reasonable academic, artistic, or
565 other eligibility standards established by the charter school
566 and included in the charter school application and charter or,
567 in the case of existing charter schools, standards that are
568 consistent with the school's mission and purpose. Such standards
569 shall be in accordance with current state law and practice in
570 public schools and may not discriminate against otherwise
571 qualified individuals.

572 6. Students articulating from one charter school to another
573 pursuant to an articulation agreement between the charter
574 schools that has been approved by the sponsor.

575 7. Students living in a development in which a business
576 entity provides the school facility and related property having
577 an appraised value of at least \$10 million to be used as a
578 charter school for the development. Students living in the
579 development shall be entitled to 50 percent of the student
580 stations in the charter school. The students who are eligible

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581 for enrollment are subject to a random lottery, the
582 racial/ethnic balance provisions, or any federal provisions, as
583 described in subparagraph 4. The remainder of the student
584 stations shall be filled in accordance with subparagraph 4.

585 (h) The capacity of the charter school shall be determined
586 annually by the governing board, in conjunction with the
587 sponsor, of the charter school in consideration of the factors
588 identified in this subsection unless the charter school is
589 designated as a high-performing charter school pursuant to s.
590 1002.331 or s. 1002.332. A sponsor may not require a charter
591 school to waive the provisions of s. 1002.331 or s. 1002.332 or
592 require a student enrollment cap that prohibits a high-
593 performing charter school from increasing enrollment in
594 accordance with s. 1002.331(2) or s. 1002.332(2)(c) as a
595 condition of approval or renewal of a charter.

596 (i) The capacity of a high-performing charter school
597 identified pursuant to s. 1002.331 or s. 1002.332 shall be
598 determined annually by the governing board of the charter
599 school. The governing board shall notify the sponsor of any
600 increase in enrollment by March 1 of the school year preceding
601 the increase.

602 (14)~~(13)~~ CHARTER SCHOOL COOPERATIVES.—Charter schools may
603 enter into cooperative agreements to form charter school
604 cooperative organizations that may provide the following
605 services: charter school planning and development, direct
606 instructional services, and contracts with charter school
607 governing boards to provide personnel administrative services,
608 payroll services, human resource management, evaluation and
609 assessment services, teacher preparation, and professional

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610 development. A charter school cooperative organization that
611 includes high-performing charter schools, a consortium of
612 charter schools, or individual charter schools may submit a
613 professional development plan on behalf of its member schools to
614 the State Board of Education for the purpose of meeting
615 continuing education requirements.

616 (16)~~(15)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-
617 IN-A-MUNICIPALITY.-

618 (b) A charter school-in-the-workplace may be established
619 when a business partner provides the school facility to be used;
620 enrolls students based upon a random lottery that involves all
621 of the children of employees of that business or corporation who
622 are seeking enrollment, as provided for in subsection (11) ~~(10)~~;
623 and enrolls students according to the racial/ethnic balance
624 provisions described in subparagraph (7)(a)8. Any portion of a
625 facility used for a public charter school shall be exempt from
626 ad valorem taxes, as provided for in s. 1013.54, for the
627 duration of its use as a public school.

628 (c) A charter school-in-a-municipality designation may be
629 granted to a municipality that possesses a charter; enrolls
630 students based upon a random lottery that involves all of the
631 children of the residents of that municipality who are seeking
632 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls
633 students according to the racial/ethnic balance provisions
634 described in subparagraph (7)(a)8. When a municipality has
635 submitted charter applications for the establishment of a
636 charter school feeder pattern, consisting of elementary, middle,
637 and senior high schools, and each individual charter application
638 is approved by the district school board, such schools shall

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639 then be designated as one charter school for all purposes listed
640 pursuant to this section. Any portion of the land and facility
641 used for a public charter school shall be exempt from ad valorem
642 taxes, as provided for in s. 1013.54, for the duration of its
643 use as a public school.

644 (18)~~(17)~~ FUNDING.—Students enrolled in a charter school,
645 regardless of the sponsorship, shall be funded as if they are in
646 a basic program or a special program, the same as students
647 enrolled in other public schools in the school district. Funding
648 for a charter lab school shall be as provided in s. 1002.32.

649 (a) Each charter school shall report its student enrollment
650 to the sponsor as required in s. 1011.62, and in accordance with
651 the definitions in s. 1011.61. The sponsor shall include each
652 charter school's enrollment in the district's report of student
653 enrollment. All charter schools submitting student record
654 information required by the Department of Education shall comply
655 with the Department of Education's guidelines for electronic
656 data formats for such data, and all districts shall accept
657 electronic data that complies with the Department of Education's
658 electronic format.

659 (b) The basis for the agreement for funding students
660 enrolled in a charter school shall be the sum of the school
661 district's operating funds from the Florida Education Finance
662 Program as provided in s. 1011.62 and the General Appropriations
663 Act, including gross state and local funds, discretionary
664 lottery funds, and funds from the school district's current
665 operating discretionary millage levy; divided by total funded
666 weighted full-time equivalent students in the school district;
667 multiplied by the weighted full-time equivalent students for the

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668 charter school. Charter schools whose students or programs meet
669 the eligibility criteria in law shall be entitled to their
670 proportionate share of categorical program funds included in the
671 total funds available in the Florida Education Finance Program
672 by the Legislature, including transportation. Total funding for
673 each charter school shall be recalculated during the year to
674 reflect the revised calculations under the Florida Education
675 Finance Program by the state and the actual weighted full-time
676 equivalent students reported by the charter school during the
677 full-time equivalent student survey periods designated by the
678 Commissioner of Education.

679 (c) Each district school board may annually proportionately
680 share the revenue generated by the millage levy pursuant to s.
681 1011.71(2) with charter schools in the school district on a per-
682 student basis. If a district school board does not
683 proportionately share the revenue generated by the millage levy
684 pursuant to s. 1011.71(2), the Florida Education Finance Program
685 allocation for that school district shall be recalculated so
686 that each charter school in the school district receives, on a
687 per-student basis, the same amount of funds that it would have
688 received if the district school board shared the millage levy
689 revenue with charter schools on a per-student, pro rata basis.
690 The school district shall, within 30 days after receipt,
691 distribute the recalculated funds to each charter school in the
692 district. Charter schools may use these recalculated funds only
693 for capital outlay purposes.

694 (d) ~~(e)~~ If the district school board is providing programs
695 or services to students funded by federal funds, any eligible
696 students enrolled in charter schools in the school district

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697 shall be provided federal funds for the same level of service
698 provided students in the schools operated by the district school
699 board. All federal funds received by a district school board for
700 the benefit of charter schools, charter school students, or
701 charter school students as public school students in the school
702 district, including, but not limited to, Title I, Title II, and
703 IDEA funds, shall be paid in total to charter schools within 60
704 days after receipt by the district school board. Pursuant to
705 provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall
706 receive all federal funding for which the school is otherwise
707 eligible, including Title I funding, not later than 5 months
708 after the charter school first opens and within 5 months after
709 any subsequent expansion of enrollment.

710 (e)~~(d)~~ Charter schools shall be included by the Department
711 of Education and the district school board in requests for
712 federal stimulus funds in the same manner as district school
713 board-operated public schools, including Title I and IDEA funds
714 and shall be entitled to receive such funds. Charter schools are
715 eligible to participate in federal competitive grants that are
716 available as part of the federal stimulus funds.

717 (f)~~(e)~~ District school boards shall make timely and
718 efficient payment and reimbursement to charter schools,
719 including processing paperwork required to access special state
720 and federal funding for which they may be eligible. The district
721 school board may distribute funds to a charter school for up to
722 3 months based on the projected full-time equivalent student
723 membership of the charter school. Thereafter, the results of
724 full-time equivalent student membership surveys shall be used in
725 adjusting the amount of funds distributed monthly to the charter

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726 school for the remainder of the fiscal year. The payment shall
727 be issued no later than 10 working days after the district
728 school board receives a distribution of state or federal funds.
729 If a warrant for payment is not issued within 10 working days
730 after receipt of funding by the district school board, the
731 school district shall pay to the charter school, in addition to
732 the amount of the scheduled disbursement, interest at a rate of
733 1 percent per month calculated on a daily basis on the unpaid
734 balance from the expiration of the 10 working days until such
735 time as the warrant is issued.

736 (g)~~(f)~~ Funding for a virtual charter school shall be as
737 provided in s. 1002.45(7).

738 (21)~~(20)~~ SERVICES.—

739 (a)1. A sponsor shall provide certain administrative and
740 educational services to charter schools. These services shall
741 include contract management services; full-time equivalent and
742 data reporting services; exceptional student education
743 administration services; services related to eligibility and
744 reporting duties required to ensure that school lunch services
745 under the federal lunch program, consistent with the needs of
746 the charter school, are provided by the school district at the
747 request of the charter school, that any funds due to the charter
748 school under the federal lunch program be paid to the charter
749 school as soon as the charter school begins serving food under
750 the federal lunch program, and that the charter school is paid
751 at the same time and in the same manner under the federal lunch
752 program as other public schools serviced by the sponsor or the
753 school district; test administration services, including payment
754 of the costs of state-required or district-required student

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755 assessments; processing of teacher certificate data services;
756 and information services, including equal access to student
757 information systems that are used by public schools in the
758 district in which the charter school is located. Student
759 performance data for each student in a charter school,
760 including, but not limited to, FCAT scores, standardized test
761 scores, previous public school student report cards, and student
762 performance measures, shall be provided by the sponsor to a
763 charter school in the same manner provided to other public
764 schools in the district.

765 2. A total administrative fee for the provision of such
766 services shall be calculated based upon up to 5 percent of the
767 available funds defined in paragraph (18) (b) ~~(17) (b)~~ for all
768 students. However, a sponsor may only withhold up to a 5-percent
769 administrative fee for enrollment for up to and including 250
770 students. For charter schools with a population of 251 or more
771 students, the difference between the total administrative fee
772 calculation and the amount of the administrative fee withheld
773 may only be used for capital outlay purposes specified in s.
774 1013.62 (2).

775 3. For high-performing charter schools, as defined in ch.
776 2011-232, a sponsor may withhold a total administrative fee of
777 up to 2 percent for enrollment up to and including 250 students
778 per school.

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

783 a. Includes both conversion charter schools and

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784 nonconversion charter schools;

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

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

788 d. Has the same governing board; and

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

791 5. The difference between the total administrative fee
792 calculation and the amount of the administrative fee withheld
793 pursuant to subparagraph 4. may be used for instructional and
794 administrative purposes as well as for capital outlay purposes
795 specified in s. 1013.62(2).

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

800 7. Sponsors shall not charge charter schools any additional
801 fees or surcharges for administrative and educational services
802 in addition to the maximum 5-percent administrative fee withheld
803 pursuant to this paragraph.

804 8. The sponsor of a virtual charter school may withhold a
805 fee of up to 5 percent. The funds shall be used to cover the
806 cost of services provided under subparagraph 1. and for the
807 school district's local instructional improvement system
808 pursuant to s. 1006.281 or other technological tools that are
809 required to access electronic and digital instructional
810 materials.

811 ~~(24)~~~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
812 receipt of the annual report required by paragraph (10) (k)

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813 ~~(9)(k)~~, the Department of Education shall provide to the State
814 Board of Education, the Commissioner of Education, the Governor,
815 the President of the Senate, and the Speaker of the House of
816 Representatives an analysis and comparison of the overall
817 performance of charter school students, to include all students
818 whose scores are counted as part of the statewide assessment
819 program, versus comparable public school students in the
820 district as determined by the statewide assessment program
821 currently administered in the school district, and other
822 assessments administered pursuant to s. 1008.22(3).

823 Section 4. Paragraph (c) of subsection (1), paragraph (c)
824 of subsection (2), and paragraph (b) of subsection (3) of
825 section 1002.331, Florida Statutes, are amended to read:

826 1002.331 High-performing charter schools.—

827 (1) A charter school is a high-performing charter school if
828 it:

829 (c) Did not receive a financial audit that revealed one or
830 more of the financial emergency conditions set forth in s.
831 218.503(1) in the most recent 3 fiscal years for which such
832 audits are available. However, this requirement is deemed met
833 ~~for a charter school in the workplace~~ if there is a finding in
834 an audit that the school has the monetary resources available to
835 cover any reported deficiency or that the deficiency does not
836 result in a deteriorating financial condition pursuant to s.
837 1002.345(1)(a)3.

838

839 A virtual charter school established under s. 1002.33 is not
840 eligible for designation as a high-performing charter school.

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

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842 (c) Submit a quarterly, rather than a monthly, financial
843 statement to the sponsor pursuant to s. 1002.33(10)(g)
844 ~~1002.33(9)(g)~~.

845
846 A high-performing charter school shall notify its sponsor in
847 writing by March 1 if it intends to increase enrollment or
848 expand grade levels the following school year. The written
849 notice shall specify the amount of the enrollment increase and
850 the grade levels that will be added, as applicable.

851 (3)

852 (b) A high-performing charter school may not establish more
853 than three ~~one~~ charter schools ~~school~~ within the state under
854 paragraph (a) in any year. A subsequent application to establish
855 a charter school under paragraph (a) may not be submitted unless
856 each charter school established in this manner achieves high-
857 performing charter school status.

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

860 1002.332 High-performing charter school system.—

861 (2)

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

864 1. Increase its student enrollment once per school year by
865 up to 15 percent more than the capacity identified in the
866 charter.

867 2. Expand grade levels within kindergarten through grade 12
868 to add grade levels not already served if any annual enrollment
869 increase resulting from grade level expansion is within the
870 limit established in subparagraph 1.

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

873 4. Consolidate under a single charter the charters of
874 multiple high-performing charter schools operated in the same
875 school district by the charter schools' governing boards,
876 regardless of the renewal cycle.

877 5. Receive a modification of its charter to a term of 15
878 years or a 15-year charter renewal. The charter may be modified
879 or renewed for a shorter term at the option of the high-
880 performing charter school. The charter must be consistent with
881 s. 1002.33(7)(a)19. and (11)(h) and (i), is subject to annual
882 review by the sponsor, and may be terminated during its term
883 pursuant to s. 1002.33(8).

884
885 A high-performing charter school that is part of a high-
886 performing charter school system shall notify its sponsor in
887 writing by March 1 if it intends to increase enrollment or
888 expand grade levels the following school year. The written
889 notice shall specify the amount of the enrollment increase and
890 the grade levels that will be added, as applicable.

891 Section 6. Paragraph (c) of subsection (10) and subsection
892 (13) of section 1002.34, Florida Statutes, are amended to read:
893 1002.34 Charter technical career centers.—

894 (10) EXEMPTION FROM STATUTES.—

895 (c) A center must comply with the antidiscrimination
896 provisions in s. 1000.05 and the provisions in s. 1002.33(25)
897 ~~1002.33(24)~~ which relate to the employment of relatives.

898 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
899 of a center may decide matters relating to the operation of the

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900 school, including budgeting, curriculum, and operating
901 procedures, subject to the center's charter. The board of
902 directors is responsible for performing the duties provided in
903 s. 1002.345, including monitoring the corrective action plan.
904 The board of directors must comply with s. 1002.33(27)
905 ~~1002.33(26)~~.

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

909 1002.345 Determination of deteriorating financial
910 conditions and financial emergencies for charter schools and
911 charter technical career centers.—This section applies to
912 charter schools operating pursuant to s. 1002.33 and to charter
913 technical career centers operating pursuant to s. 1002.34.

914 (1) EXPEDITED REVIEW; REQUIREMENTS.—

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

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

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

921 3. A deteriorating financial condition identified through
922 an annual audit pursuant to s. 218.39(5) or a monthly financial
923 statement pursuant to s. 1002.33(10)(g) ~~1002.33(9)(g)~~ or s.
924 1002.34(11)(f). "Deteriorating financial condition" means a
925 circumstance that significantly impairs the ability of a charter
926 school or a charter technical career center to generate enough
927 revenues to meet its expenditures without causing the occurrence
928 of a condition described in s. 218.503(1).

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

933 (d) The governing board shall include the corrective action
934 plan and the status of its implementation in the annual progress
935 report to the sponsor which is required pursuant to s.
936 1002.33(10)(k) ~~1002.33(9)(k)~~ or s. 1002.34(14).

937 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

938 (b) The governing board shall include the financial
939 recovery plan and the status of its implementation in the annual
940 progress report to the sponsor which is required under s.
941 1002.33(10)(k) ~~1002.33(9)(k)~~ or s. 1002.34(14).

942 Section 8. Section 1011.68, Florida Statutes, is amended to
943 read:

944 1011.68 Funds for student transportation.—The annual
945 allocation to each district for transportation to public school
946 programs, including charter schools as provided in s.
947 1002.33(18)(b) ~~1002.33(17)(b)~~, of students in membership in
948 kindergarten through grade 12 and in migrant and exceptional
949 student programs below kindergarten shall be determined as
950 follows:

951 (1) Subject to the rules of the State Board of Education,
952 each district shall determine the membership of students who are
953 transported:

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

955 (b) By reason of being students with disabilities or
956 enrolled in a teenage parent program, regardless of distance to
957 school.

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

960 (d) By reason of being career, dual enrollment, or students
961 with disabilities transported from one school center to another
962 to participate in an instructional program or service; or
963 students with disabilities, transported from one designation to
964 another in the state, provided one designation is a school
965 center and provided the student's individual educational plan
966 (IEP) identifies the need for the instructional program or
967 service and transportation to be provided by the school
968 district. A "school center" is defined as a public school
969 center, Florida College System institution, state university, or
970 other facility rented, leased, or owned and operated by the
971 school district or another public agency. A "dual enrollment
972 student" is defined as a public school student in membership in
973 both a public secondary school program and a Florida College
974 System institution or a state university program under a written
975 agreement to partially fulfill ss. 1003.435 and 1007.23 and
976 earning full-time equivalent membership under s. 1011.62(1)(i).

977 (e) With respect to elementary school students whose grade
978 level does not exceed grade 6, by reason of being subjected to
979 hazardous walking conditions en route to or from school as
980 provided in s. 1006.23. Such rules shall, when appropriate,
981 provide for the determination of membership under this paragraph
982 for less than 1 year to accommodate the needs of students who
983 require transportation only until such hazardous conditions are
984 corrected.

985 (f) By reason of being a pregnant student or student
986 parent, and the child of a student parent as provided in s.

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987 1003.54, regardless of distance from school.

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

990

991 $T = B + EX$. The elements of this formula are defined as follows:

992 T is the total dollar allocation for transportation. B is the
993 base transportation dollar allocation prorated by an adjusted
994 student membership count. The adjusted membership count shall be
995 derived from a multiplicative index function in which the base
996 student membership is adjusted by multiplying it by index
997 numbers that individually account for the impact of the price
998 level index, average bus occupancy, and the extent of rural
999 population in the district. EX is the base transportation dollar
1000 allocation for disabled students prorated by an adjusted
1001 disabled student membership count. The base transportation
1002 dollar allocation for disabled students is the total state base
1003 disabled student membership count weighted for increased costs
1004 associated with transporting disabled students and multiplying
1005 it by an average per student cost for transportation as
1006 determined by the Legislature. The adjusted disabled student
1007 membership count shall be derived from a multiplicative index
1008 function in which the weighted base disabled student membership
1009 is adjusted by multiplying it by index numbers that individually
1010 account for the impact of the price level index, average bus
1011 occupancy, and the extent of rural population in the district.
1012 Each adjustment factor shall be designed to affect the base
1013 allocation by no more or less than 10 percent.

1014 (3) The total allocation to each district for
1015 transportation of students shall be the sum of the amounts

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1016 determined in subsection (2). If the funds appropriated for the
1017 purpose of implementing this section are not sufficient to pay
1018 the base transportation allocation and the base transportation
1019 allocation for disabled students, the Department of Education
1020 shall prorate the available funds on a percentage basis. If the
1021 funds appropriated for the purpose of implementing this section
1022 exceed the sum of the base transportation allocation and the
1023 base transportation allocation for disabled students, the base
1024 transportation allocation for disabled students shall be limited
1025 to the amount calculated in subsection (2), and the remaining
1026 balance shall be added to the base transportation allocation.

1027 (4) No district shall use funds to purchase transportation
1028 equipment and supplies at prices which exceed those determined
1029 by the department to be the lowest which can be obtained, as
1030 prescribed in s. 1006.27(1).

1031 (5) Funds allocated or apportioned for the payment of
1032 student transportation services may be used to pay for
1033 transportation of students to and from school on local general
1034 purpose transportation systems. Student transportation funds may
1035 also be used to pay for transportation of students to and from
1036 school in private passenger cars and boats when the
1037 transportation is for isolated students, or students with
1038 disabilities as defined by rule. Subject to the rules of the
1039 State Board of Education, each school district shall determine
1040 and report the number of assigned students using general purpose
1041 transportation private passenger cars and boats. The allocation
1042 per student must be equal to the allocation per student riding a
1043 school bus.

1044 (6) Notwithstanding other provisions of this section, in no

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1045 case shall any student or students be counted for transportation
1046 funding more than once per day. This provision includes counting
1047 students for funding pursuant to trips in school buses,
1048 passenger cars, or boats or general purpose transportation.

1049 Section 9. Paragraph (b) of subsection (2) of section
1050 1012.32, Florida Statutes, is amended to read:

1051 1012.32 Qualifications of personnel.—

1052 (2)

1053 (b) Instructional and noninstructional personnel who are
1054 hired or contracted to fill positions in any charter school and
1055 members of the governing board of any charter school, in
1056 compliance with s. 1002.33(13)(g) ~~1002.33(12)(g)~~, must, upon
1057 employment, engagement of services, or appointment, undergo
1058 background screening as required under s. 1012.465 or s.
1059 1012.56, whichever is applicable, by filing with the district
1060 school board for the school district in which the charter school
1061 is located a complete set of fingerprints taken by an authorized
1062 law enforcement agency or an employee of the school or school
1063 district who is trained to take fingerprints.

1064
1065 Fingerprints shall be submitted to the Department of Law
1066 Enforcement for statewide criminal and juvenile records checks
1067 and to the Federal Bureau of Investigation for federal criminal
1068 records checks. A person subject to this subsection who is found
1069 ineligible for employment under s. 1012.315, or otherwise found
1070 through background screening to have been convicted of any crime
1071 involving moral turpitude as defined by rule of the State Board
1072 of Education, shall not be employed, engaged to provide
1073 services, or serve in any position that requires direct contact

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1074 with students. Probationary persons subject to this subsection
1075 terminated because of their criminal record have the right to
1076 appeal such decisions. The cost of the background screening may
1077 be borne by the district school board, the charter school, the
1078 employee, the contractor, or a person subject to this
1079 subsection.

1080 Section 10. Paragraphs (a) and (e) of subsection (1) and
1081 subsection (2) of section 1013.62, Florida Statutes, are amended
1082 to read:

1083 1013.62 Charter schools capital outlay funding.—

1084 (1) In each year in which funds are appropriated for
1085 charter school capital outlay purposes, the Commissioner of
1086 Education shall allocate the funds among eligible charter
1087 schools.

1088 (a) To be eligible for a funding allocation, a charter
1089 school must:

1090 1.a. Have been in operation for 3 or more years;

1091 b. Be governed by a governing board established in the
1092 state for 3 or more years which operates both charter schools
1093 and conversion charter schools within the state;

1094 c. Be an expanded feeder chain of a charter school within
1095 the same school district that is currently receiving charter
1096 school capital outlay funds;

1097 d. Have been accredited by the Commission on Schools of the
1098 Southern Association of Colleges and Schools; or

1099 e. Serve students in facilities that are provided by a
1100 business partner for a charter school-in-the-workplace pursuant
1101 to s. 1002.33(16)(b) ~~1002.33(15)(b)~~.

1102 2. Have financial stability for future operation as a

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1103 charter school.

1104 3. Have satisfactory student achievement based on state
1105 accountability standards applicable to the charter school.

1106 4. Have received final approval from its sponsor pursuant
1107 to s. 1002.33 for operation during that fiscal year.

1108 5. Serve students in facilities that are not provided by
1109 the charter school's sponsor.

1110 (e) Unless otherwise provided in the General Appropriations
1111 Act, the funding allocation for each eligible charter school is
1112 determined by multiplying the school's projected student
1113 enrollment by one-fifteenth of the cost-per-student station
1114 specified in s. 1013.64(6)(b) for an elementary, middle, or high
1115 school, as appropriate. If the funds appropriated are not
1116 sufficient, the commissioner shall prorate the available funds
1117 among eligible charter schools. However, a charter school or
1118 charter lab school may not receive state charter school capital
1119 outlay funds greater than the one-fifteenth cost per student
1120 station formula if the charter school's combination of state
1121 charter school capital outlay funds, capital outlay funds
1122 calculated through the reduction in the administrative fee
1123 provided in s. 1002.33(21) ~~1002.33(20)~~, and capital outlay funds
1124 allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth
1125 cost per student station formula.

1126 (2) A charter school's governing body may use charter
1127 school capital outlay funds for the following purposes:

1128 (a) Purchase of real property.

1129 (b) Construction of school facilities.

1130 (c) Purchase, lease-purchase, or lease of permanent or
1131 relocatable school facilities.

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1132 (d) Purchase of vehicles to transport students to and from
1133 the charter school.

1134 (e) Renovation, repair, and maintenance of school
1135 facilities that the charter school owns or is purchasing through
1136 a lease-purchase or long-term lease of 5 years or longer.

1137 (f) Effective July 1, 2008, purchase, lease-purchase, or
1138 lease of new and replacement equipment, and enterprise resource
1139 software applications that are classified as capital assets in
1140 accordance with definitions of the Governmental Accounting
1141 Standards Board, have a useful life of at least 5 years, and are
1142 used to support schoolwide administration or state-mandated
1143 reporting requirements.

1144 (g) Payment of the cost of premiums for property and
1145 casualty insurance necessary to insure the school facilities.

1146 (h) Purchase, lease-purchase, or lease of driver's
1147 education vehicles; motor vehicles used for the maintenance or
1148 operation of plants and equipment; security vehicles; or
1149 vehicles used in storing or distributing materials and
1150 equipment.

1151
1152 Conversion charter schools may use capital outlay funds received
1153 through the reduction in the administrative fee provided in s.
1154 1002.33(21) ~~1002.33(20)~~ for renovation, repair, and maintenance
1155 of school facilities that are owned by the sponsor.

1156 Section 11. This act shall take effect July 1, 2012.