

By Senator Montford

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1                   A bill to be entitled  
2       An act relating to charter schools; creating s.  
3       1002.322, F.S.; providing a short title and purpose of  
4       the act; providing legislative findings; creating s.  
5       1002.323, F.S.; defining terms; creating s. 1002.324,  
6       F.S.; specifying the duties and responsibilities of  
7       the Department of Education with respect to the  
8       issuance of statements of need; requiring the State  
9       Board of Education to adopt certain rules; requiring  
10      the state board to allow stakeholder participation in  
11      rule development; creating s. 1002.325, F.S.;  
12      requiring an applicant to file a letter of intent with  
13      the department before applying for a statement of  
14      need; prescribing required content for a letter of  
15      intent; requiring the department to publish notice of  
16      filing of letters of intent in the Florida  
17      Administrative Register; specifying the content of a  
18      statement of need application; requiring the state  
19      board to adopt a certain rule; establishing procedures  
20      governing the submission and review of applications;  
21      authorizing the department to hold a public hearing  
22      regarding a proposed project under certain  
23      circumstances; authorizing an applicant to submit a  
24      response to a written statement of opposition;  
25      specifying evaluation criteria for applications;  
26      authorizing the department to assess fees on  
27      applications; creating s. 1002.326, F.S.; establishing  
28      procedures for the department to issue or deny  
29      statements of need; requiring publication of the

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30 department's report and notice of intent; authorizing  
31 specified parties to file a request for an  
32 administrative hearing; requiring the department to  
33 issue a final order within a certain timeframe of an  
34 administrative law judge's recommended order;  
35 authorizing a party to an administrative hearing to  
36 seek judicial review; authorizing the reviewing court  
37 to award attorney fees and court costs under certain  
38 circumstances; creating s. 1002.327, F.S.; specifying  
39 applicability of the statement of need review process;  
40 authorizing expedited review and exemption from review  
41 under certain circumstances; creating s. 1002.328,  
42 F.S.; authorizing the department to conditionally  
43 issue a statement of need; authorizing a statement  
44 holder to apply to the department for a modification  
45 of conditions; requiring the state board to specify  
46 factors constituting good cause for modification by  
47 rule; authorizing the department to assess a fine  
48 against a noncompliant statement holder; requiring  
49 fine proceeds to be deposited into the State School  
50 Trust Fund; specifying the length of validity for a  
51 statement of need; requiring the department to monitor  
52 the progress of a statement holder; requiring the  
53 department to extend the length of validity for a  
54 statement of need under certain circumstances;  
55 creating s. 1002.3281, F.S.; prohibiting a person from  
56 undertaking a project subject to review without  
57 holding a statement of need; providing a penalty;  
58 creating s. 1002.3282, F.S.; prohibiting the transfer

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59 of a statement of need; providing a penalty; creating  
60 s. 1002.329, F.S.; authorizing the department to seek  
61 injunctive relief; amending s. 1002.33, F.S.;  
62 conforming provisions to changes made by the act;  
63 providing an effective date.  
64

65 Be It Enacted by the Legislature of the State of Florida:  
66

67 Section 1. Section 1002.322, Florida Statutes, is created  
68 to read:

69 1002.322 Short title and purpose.—

70 (1) Sections 1002.322-1002.329 may be cited as the “Charter  
71 School Excellence Act.”

72 (2) The Legislature finds that:

73 (a) Section 1, Art. IX of the State Constitution mandates a  
74 “uniform, efficient, safe, secure, and high quality system of  
75 free public schools” in this state. Thus, a uniform and coherent  
76 system of public education which is both equitable and fiscally  
77 efficient is imperative. All charter schools in this state are  
78 public schools and are, therefore, subject to the constitutional  
79 mandate.

80 (b) Since their inception in 1996, the number of charter  
81 schools in this state grew to more than 615 in the 2013-2014  
82 school year. Charter school enrollment in this state grew to  
83 more than 229,000 students in the 2013-2014 school year. A  
84 charter school can be independently opened and operated by  
85 individuals, a municipality, or a legal entity organized under  
86 the laws of this state. Volunteer governing boards control each  
87 individual charter school, rather than the elected

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88 representatives that compose each district school board.  
89 Duplicative programs in charter schools, which largely mirror  
90 programs available in traditional public schools, serve as a  
91 burden on the already financially strained public school system.  
92 The state's charter schools should complement, and not  
93 duplicate, the role of the state's traditional public schools.

94 (c) The application process for new charter schools is  
95 biased toward encouraging unmitigated growth of the charter  
96 school industry, rather than focusing on the specific needs of  
97 students or the safeguarding of taxpayer dollars.

98 (d) The lack of transparency and local control over charter  
99 schools has resulted in the inefficient use of taxpayer dollars.  
100 School districts are limited in their ability to intervene in  
101 the management or instruction of an individual charter school,  
102 which has exacerbated the number of charter school failures.  
103 Delaying intervention into a failing charter school's operation  
104 has repeatedly resulted in the failure of the charter school and  
105 the resulting displacement of students. In many instances,  
106 school districts have been unable to recoup taxpayer dollars  
107 that have been invested in a failed charter school.  
108 Additionally, current standards of performance for charter  
109 schools, compared to the standards applied to traditional public  
110 schools, are inadequate given a charter school's ability to  
111 target and select particular students for enrollment.

112 (e) For-profit companies that provide charter schools with  
113 various administrative services can consume a significant  
114 portion of the school's budget, which ultimately results in less  
115 money going toward student education. Such administrative  
116 services are duplicative of services available through the

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117 school districts and are an inefficient use of taxpayer dollars.

118 (f) Many charter schools have failed to assume the role  
119 that was originally envisioned for them in the original  
120 authorizing legislation. Instead, many charter schools are  
121 offering the same instructional services offered in traditional  
122 public schools located in the same neighborhood. Unlike many  
123 other states, Florida has not established a maximum cap on the  
124 number of charter schools that are authorized to operate.

125 (3) The purpose of this act is to develop and implement a  
126 program that requires statements of need for charter schools to  
127 ensure that such schools provide innovative educational services  
128 not provided by traditional public schools in the community; do  
129 not duplicate existing services provided by school districts and  
130 traditional public schools; and are responsible stewards of  
131 taxpayer money.

132 Section 2. Section 1002.323, Florida Statutes, is created  
133 to read:

134 1002.323 Definitions.—As used in ss. 1002.322-1002.329, the  
135 term:

136 (1) "Capital expenditure" means an expenditure, including  
137 an expenditure for a construction project undertaken by a  
138 charter school, which, under generally accepted accounting  
139 principles, is not properly chargeable as an expense of  
140 operation and maintenance, which is made to change the student  
141 enrollment capacity of the charter school, or substantially  
142 change the educational services or grade levels of the charter  
143 school, and which includes the cost of the studies, surveys,  
144 designs, plans, working drawings, specifications, initial  
145 financing costs, and other activities essential to the

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146 acquisition, improvement, expansion, or replacement of the plant  
147 and equipment.

148 (2) "Charter school" means a school that meets the  
149 requirements of s. 1002.33 and has been issued a statement of  
150 need.

151 (3) "Commenced construction" means initiation of and  
152 continuous activities beyond site preparation associated with  
153 erecting or modifying a charter school, including procurement of  
154 a building permit, securing an executed owner/contractor  
155 agreement or an irrevocable or binding forced account, and the  
156 actual undertaking of foundation forming with steel installation  
157 and concrete placing.

158 (4) "Department" means the Department of Education.

159 (5) "Exemption" means a school that would otherwise require  
160 a statement of need but qualifies for an exemption from that  
161 requirement.

162 (6) "Expedited review" means the process by which certain  
163 types of applications are not subject to the review and letter  
164 of intent requirements in s. 1002.325.

165 (7) "State board" means the State Board of Education.

166 (8) "Statement of need" means a written statement issued by  
167 the department evidencing the need for a new, converted,  
168 expanded, or otherwise significantly modified charter school in  
169 a specific school district.

170 Section 3. Section 1002.324, Florida Statutes, is created  
171 to read:

172 1002.324 Duties and responsibilities of department; rules.-

173 (1) The department is designated as the sole agency that  
174 may issue, revoke, or deny issuance of statements of need and

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175 that may issue, revoke, or deny exemptions from statement of  
176 need review in accordance with applicable law and rules.

177 (2) Before determining that there is a need for additional  
178 charter schools in a school district, the department shall  
179 assess whether a specific need can be satisfied through existing  
180 traditional public schools and charter schools.

181 (3) The state board shall establish by rule:

182 (a) Uniform need methodologies for charter schools. In  
183 developing such methodologies, the state board shall, at a  
184 minimum, consider full-time equivalent student population  
185 trends, student demographics, the number of existing charter  
186 schools already operational in a school district, the need for  
187 additional programs and educational services for students which  
188 may be met by a charter school, and the need for innovative  
189 educational services.

190 (b) A full-time equivalent student methodology with a goal  
191 of maintaining an average enrollment rate of 95 percent.

192 (4) In developing rules, the state board shall involve all  
193 stakeholders to the greatest extent practicable, including  
194 school district personnel, charter school operators, and  
195 statewide organizations that represent public school educators  
196 and charter schools.

197 Section 4. Section 1002.325, Florida Statutes, is created  
198 to read:

199 1002.325 Application process and review for statements of  
200 need.—

201 (1) LETTERS OF INTENT.—

202 (a) At least 30 days before filing an application for a  
203 statement of need, a letter of intent shall be filed by the

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204 prospective applicant with the department stating its intent to  
205 develop a charter school, subject to review by the department.  
206 The letter of intent shall also be filed with the district  
207 school board of the school district in which the proposed  
208 charter school would be located.

209 (b) Letters of intent must describe the proposed charter  
210 school; specify the projected number of full-time equivalent  
211 students to be enrolled; identify the educational services to be  
212 provided and the specific location of the charter school; and  
213 identify the applicant.

214 (c) Within 21 days after receipt of a letter of intent, the  
215 department shall publish a notice of the filing of a letter of  
216 intent in the Florida Administrative Register. Notices published  
217 under this paragraph must specify due dates applicable to the  
218 timetable or cycle for filing applications and for requesting an  
219 administrative hearing.

220 (2) APPLICATION.—An application for a statement of need  
221 must include:

222 (a) A detailed description of the proposed charter school  
223 project and a statement of purpose and need in relation to the  
224 criteria used by the department in reviewing applications.

225 (b) A statement of the financial resources needed by and  
226 available to the applicant to complete the proposed project. The  
227 statement must include:

228 1. A complete listing of all capital projects, including  
229 facility acquisitions applied for, pending, approved, or  
230 underway in this state or any state at the time of application,  
231 regardless of whether the state has a statement of need program.  
232 This listing must include the applicant's actual or proposed



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233 financial commitment to those projects and an assessment of  
234 their impact on the applicant's ability to provide adequate  
235 funding for the proposed project.

236 2. A detailed listing of the needed capital expenditures,  
237 including sources of funds.

238 3. A detailed financial projection, including a statement  
239 of the projected revenue and expenses for the first 2 years of  
240 operation after completion of the proposed project. This  
241 statement must include a detailed evaluation of the impact of  
242 the proposed project on the cost of other services provided by  
243 the applicant.

244 (c) An audited financial statement of the applicant or the  
245 applicant's parent corporation if audited financial statements  
246 of the applicant do not exist. In an application submitted by an  
247 existing charter school, financial condition documentation must  
248 include, but need not be limited to, a balance sheet and a  
249 profit-and-loss statement for the 2 previous fiscal years'  
250 operation.

251 (3) REVIEW OF APPLICATIONS.-

252 (a) The state board shall adopt a rule that establishes a  
253 timetable or cycle basis for the submission and review of  
254 statement of need applications. The timetable or cycle for the  
255 submission and review of statement of need applications must be  
256 aligned and consistent with the charter school application and  
257 review process established in s. 1002.33. Reviews of  
258 applications shall be conducted on a timely basis and provide  
259 for all completed applications to be considered at least  
260 annually.

261 (b) Within 15 days after the applicable filing deadline for

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262 the review cycle, the department shall determine if the  
263 application is complete. If the application is incomplete, the  
264 department shall request specific information from the applicant  
265 necessary to complete the application; however, the department  
266 may make only one such request. If the requested information is  
267 not filed with the department within 21 days after the receipt  
268 of the department's request, the application shall be withdrawn  
269 from consideration.

270 (c) Upon the request of any applicant or substantially  
271 affected person, including other charter schools and the  
272 district school board, within 14 days after notice that an  
273 application has been filed, a public hearing may be held at the  
274 department's discretion if the department determines that a  
275 proposed project involves issues of great public interest. In  
276 such cases, the department shall attend the public hearing. The  
277 public hearing shall allow applicants and other interested  
278 parties reasonable time to present their positions and to  
279 present rebuttal information. A recorded transcript of the  
280 hearing shall be maintained. The public hearing shall be held at  
281 the local school district level within 21 days after the  
282 application is deemed complete.

283 (d) In those cases in which a written statement of  
284 opposition has been timely filed regarding a statement of need  
285 application, the applicant may submit a written response to the  
286 department. Such response must be received by the department  
287 within 10 days of the written statement due date.

288 (4) CRITERIA.—The evaluation criteria for applications  
289 submitted to the department must include the following:

290 (a) The need for the proposed charter school and

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291 educational services.

292 (b) The availability of the proposed educational services  
293 in existing public schools and charter schools in the school  
294 district.

295 (c) The ability of the applicant to provide quality  
296 educational services and the applicant's record of providing  
297 quality educational services, if applicable.

298 (d) The availability of resources, including teachers and  
299 administrators, management personnel, and funds for capital and  
300 operating expenditures, for project accomplishment and  
301 operation.

302 (e) The extent to which the proposed educational services  
303 will enhance the educational options in the school district and  
304 are not duplicative of existing educational services.

305 (f) The immediate and long-term financial feasibility and  
306 fiscal efficiency of the charter school.

307 (g) The costs and methods of the proposed construction,  
308 including whether the charter school will be in compliance with  
309 the State Requirements for Educational Facilities approved by  
310 the state board, and if not, whether the charter school will be  
311 in compliance with any applicable state and local building  
312 codes.

313 (h) The applicant's record of providing educational  
314 services to students who are from lower socioeconomic  
315 backgrounds, who are low performing, or who have disabilities.

316 (5) FEES.—The department shall assess a fee on each  
317 application for a statement of need as follows:

318 (a) A minimum base fee of \$10,000 per application.

319 (b) In addition to the base fee, \$50 for each full-time

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320 equivalent student projected to enroll based on the enrollment  
321 capacity of the applicant school. The total fee assessed  
322 pursuant to paragraph (a) and this paragraph may not exceed  
323 \$50,000 in the aggregate.

324 (c) The department shall reduce the fee assessed pursuant  
325 to paragraph (b) if the fees collected are projected to exceed  
326 the cost of administering the statement of need program.

327 Section 5. Section 1002.326, Florida Statutes, is created  
328 to read:

329 1002.326 Disposition of applications; administrative  
330 hearing; judicial review.—

331 (1) The department's review of and final action on  
332 applications submitted must be in accordance with the criteria  
333 specified in s. 1002.325(4) and any applicable state board  
334 rules.

335 (2) Within 60 days after all of the applications in a  
336 review cycle are determined to be complete, the department shall  
337 issue a report and notice of intent specifying statements of  
338 need that are issued or denied for the review cycle. The  
339 department's report shall specify its findings of fact and  
340 determinations upon which its decision is based. If the  
341 department intends to issue a statement of need, the report and  
342 notice of intent must also include any conditions that the  
343 department intends to attach to the statement of need. The state  
344 board shall designate by rule a senior staff person, other than  
345 the person who issues the final order and notice of intent, to  
346 issue the report.

347 (3) The department shall publish the notice of intent in  
348 the Florida Administrative Register within 14 days after

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349 issuance.

350 (4) If no administrative hearing is requested pursuant to  
351 subsection (5), the report and the notice of intent become the  
352 final order of the department. The department shall provide a  
353 copy of the final order to the appropriate district school  
354 board.

355 (5) Within 21 days after publication of the report and  
356 notice of intent, any person authorized under paragraph (b) to  
357 participate in a hearing may file a request for an  
358 administrative hearing. Failure to file a request for hearing  
359 within 21 days of publication of notice of intent constitutes a  
360 waiver of any right to a hearing and a waiver of the right to  
361 contest the final decision of the department. A copy of the  
362 request for hearing shall be served on the applicant.

363 (a) Hearings must be held in the county in which the  
364 charter school would be located unless the administrative law  
365 judge determines that changing the location will facilitate the  
366 proceedings. The department shall assign proceedings requiring  
367 hearings to the Division of Administrative Hearings of the  
368 Department of Management Services within 10 days after the time  
369 has expired for requesting a hearing. Except upon unanimous  
370 consent of the parties, or upon the granting by the  
371 administrative law judge of a motion of continuance, hearings  
372 shall commence within 60 days after the administrative law judge  
373 has been assigned, and a continuance may not be granted after  
374 commencement of the proceedings absent a finding of  
375 extraordinary circumstances by the administrative law judge. All  
376 parties, except the department, shall bear their own expense of  
377 preparing a transcript. In any application for a statement of

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378 need which is referred to the Division of Administrative  
379 Hearings for hearing, the administrative law judge shall  
380 complete and submit to the parties a recommended order as  
381 provided in ss. 120.569 and 120.57. The recommended order shall  
382 be issued within 30 days after the receipt of the proposed  
383 recommended orders or the deadline for submission of such  
384 proposed recommended orders, whichever is earlier. The division  
385 shall adopt procedures for administrative hearings which  
386 maximize the use of stipulated facts and shall provide for the  
387 admission of prepared testimony.

388 (b) The department shall issue its final order within 45  
389 days after receipt of the recommended order. If the department  
390 fails to take action within such time, or as otherwise agreed to  
391 by the applicant and the department, the applicant may take  
392 appropriate legal action to compel the department to act. When  
393 making a determination on an application for a statement of  
394 need, the department is specifically exempt from the time  
395 limitations provided in s. 120.60(1).

396 (6) (a) A party to an administrative hearing for an  
397 application for a statement of need has the right, within not  
398 more than 30 days after the date of the final order, to seek  
399 judicial review in the appropriate district court of appeal  
400 pursuant to s. 120.68. The department shall be a party in any  
401 such proceeding.

402 (b) In such judicial review, the court shall affirm the  
403 final order of the department, unless the decision is arbitrary  
404 or capricious or does not comply with the requirements for a  
405 statement of need.

406 (c) The court may award reasonable attorney fees and costs

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407 to the prevailing party if the court finds that there was a  
408 complete absence of a justiciable issue of law or fact raised by  
409 the losing party.

410 Section 6. Section 1002.327, Florida Statutes, is created  
411 to read:

412 1002.327 Applicability; expedited review; exemption.—

413 (1) Beginning July 1, 2016, all charter schools described  
414 in this subsection are subject to review and must file an  
415 application for a statement of need with the department. The  
416 department is exclusively responsible for determining whether a  
417 charter school project is subject to review. Schools subject to  
418 review include:

419 (a) A charter school that is newly constructed or  
420 established, including a replacement charter school, if the  
421 proposed project site is not located on the same site as, or  
422 within 1 mile of, the existing charter school.

423 (b) An existing traditional public school proposed to be  
424 converted to a charter school.

425 (c) An existing charter school that increases the number of  
426 students enrolled or the enrollment capacity.

427 (d) An existing charter school that increases the number of  
428 grades being provided educational services.

429 (2) All charter schools that meet the criteria specified in  
430 this subsection are eligible for an expedited review of an  
431 application for a statement of need:

432 (a) Transfer of a previously issued statement of need. A  
433 subsequent purchaser of a charter school that is not yet  
434 operational, but previously issued a statement of need, may  
435 acquire the school's statement of need without a transfer.

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436       (b) Replacement of an existing charter school.  
 437       (c) Expansion of a charter school designated as a high-  
 438 performing charter school in accordance with s. 1002.331.  
 439       (d) Replication of a high-performing charter school in a  
 440 high-performing charter school system.  
 441       (3) An applicant may submit a request for exemption from  
 442 subsection (1) to the department. Any exemption request must  
 443 specifically document why an exemption is appropriate in a  
 444 particular circumstance.  
 445       Section 7. Section 1002.328, Florida Statutes, is created  
 446 to read:  
 447       1002.328 Conditions and monitoring.—  
 448       (1) (a) The department may conditionally issue a statement  
 449 of need, predicated upon statements of intent expressed by an  
 450 applicant in the application for a statement of need. Any  
 451 conditions imposed on a statement of need based on such  
 452 statements of intent shall be stated on the face of the  
 453 statement of need approval.  
 454       (b) A statement holder may apply to the department for a  
 455 modification of conditions imposed under paragraph (a). If the  
 456 holder of a statement of need demonstrates good cause why the  
 457 statement should be modified, the department shall reissue the  
 458 statement of need with such modifications as may be appropriate.  
 459 The state board shall define by rule the factors constituting  
 460 good cause for modification.  
 461       (c) If the holder of a statement of need fails to comply  
 462 with a condition upon which the issuance of the statement or  
 463 exemption was predicated, the department may assess an  
 464 administrative fine against the statement holder in an amount



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465 not to exceed \$1,000 per each day of noncompliance. Failure to  
466 annually report compliance with any condition upon which the  
467 issuance of the statement was predicated constitutes  
468 noncompliance. In assessing the penalty, the department shall  
469 take into account as mitigation the degree of noncompliance.  
470 Proceeds of such penalties shall be deposited in the State  
471 School Trust Fund.

472 (2) (a) Unless the applicant has commenced construction, if  
473 the project requires construction, and unless the applicant has  
474 incurred an enforceable capital expenditure commitment for a  
475 project, if the project does not provide for construction, a  
476 statement of need terminates 18 months after the date of  
477 issuance. The department shall monitor the progress of the  
478 holder of the statement of need in meeting the timetable for  
479 school development specified in the application and may revoke  
480 the statement of need if the holder of the statement is not  
481 meeting such timetable and is not making a good-faith effort, as  
482 defined by rule, to meet it.

483 (b) The statement of need validity period for a project  
484 shall be extended by the department if the applicant  
485 demonstrates to the satisfaction of the department that good-  
486 faith commencement of the project is being delayed by litigation  
487 or by governmental action or inaction with respect to  
488 regulations or permitting that precludes commencement of the  
489 project.

490 Section 8. Section 1002.3281, Florida Statutes, is created  
491 to read:

492 1002.3281 Statement of need required; penalties.—It is  
493 unlawful for any person to undertake a project subject to review

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494 without a valid statement of need. Any person violating this  
495 section commits a misdemeanor of the second degree, punishable  
496 as provided in s. 775.082 or s. 775.083. Each day of continuing  
497 violation shall be considered a separate offense.

498 Section 9. Section 1002.3282, Florida Statutes, is created  
499 to read:

500 1002.3282 Transfer prohibited.—The holder of a statement of  
501 need may not transfer a statement of need to another person. A  
502 holder who violates this section commits a misdemeanor of the  
503 first degree, punishable as provided in s. 775.082, or by a fine  
504 of up to \$10,000, or both.

505 Section 10. Section 1002.329, Florida Statutes, is created  
506 to read:

507 1002.329 Injunction.—Notwithstanding the existence or  
508 pursuit of any other remedy, the department may maintain an  
509 action in the name of the state for injunction or other process  
510 against any person to restrain or prevent the pursuit of a  
511 project subject to review in absence of a valid statement of  
512 need.

513 Section 11. Subsection (1), paragraph (a) of subsection  
514 (6), and paragraph (a) of subsection (8) of section 1002.33,  
515 Florida Statutes, are amended, and paragraph (e) is added to  
516 subsection (7) of that section, to read:

517 1002.33 Charter schools.—

518 (1) AUTHORIZATION.—Charter schools shall be part of the  
519 state's program of public education. All charter schools in  
520 Florida are public schools. A charter school may be formed by  
521 creating a new school or converting an existing public school to  
522 charter status. A charter school may operate a virtual charter

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523 school pursuant to s. 1002.45(1)(d) to provide full-time online  
524 instruction to eligible students, pursuant to s. 1002.455, in  
525 kindergarten through grade 12. A charter school must amend its  
526 charter or submit a new application pursuant to subsection (6)  
527 to become a virtual charter school. A virtual charter school is  
528 subject to the requirements of this section; however, a virtual  
529 charter school is exempt from subsections (18) and (19),  
530 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and  
531 s. 1003.03. A public school may not use the term charter in its  
532 name unless it has been approved under this section. Effective  
533 July 1, 2016, a district school board may not issue a charter to  
534 a charter school that has not been issued a statement of need  
535 pursuant to s. 1002.326.

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

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

541 1. Demonstrates how the school will use the guiding  
542 principles and meet the statutorily defined purpose of a charter  
543 school.

544 2. Provides a detailed curriculum plan that illustrates how  
545 students will be provided services to attain the Sunshine State  
546 Standards.

547 3. Contains goals and objectives for improving student  
548 learning and measuring that improvement. These goals and  
549 objectives must indicate how much academic improvement students  
550 are expected to show each year, how success will be evaluated,  
551 and the specific results to be attained through instruction.

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552 4. Describes the reading curriculum and differentiated  
553 strategies that will be used for students reading at grade level  
554 or higher and a separate curriculum and strategies for students  
555 who are reading below grade level. A sponsor shall deny a  
556 charter if the school does not propose a reading curriculum that  
557 is consistent with effective teaching strategies that are  
558 grounded in scientifically based reading research.

559 5. Contains an annual financial plan for each year  
560 requested by the charter for operation of the school for up to 5  
561 years. This plan must contain anticipated fund balances based on  
562 revenue projections, a spending plan based on projected revenues  
563 and expenses, and a description of controls that will safeguard  
564 finances and projected enrollment trends.

565 6. Contains additional information a sponsor may require,  
566 which shall be attached as an addendum to the charter school  
567 application described in this paragraph.

568 7. For the establishment of a virtual charter school,  
569 documents that the applicant has contracted with a provider of  
570 virtual instruction services pursuant to s. 1002.45(1)(d).

571 8. Documents that the applicant has been issued a statement  
572 of need by the Department of Education. Issuance of a statement  
573 of need does not guarantee approval of the charter school  
574 application.

575 (7) CHARTER.—The major issues involving the operation of a  
576 charter school shall be considered in advance and written into  
577 the charter. The charter shall be signed by the governing board  
578 of the charter school and the sponsor, following a public  
579 hearing to ensure community input.

580 (e) The charter must identify the issuance of a statement

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581 of need by the Department of Education.

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

583 (a) The sponsor shall make student academic achievement for  
584 all students the most important factor when determining whether  
585 to renew or terminate the charter. The sponsor may also choose  
586 not to renew or may terminate the charter for any of the  
587 following grounds:

588 1. Failure to participate in the state's education  
589 accountability system created in s. 1008.31, as required in this  
590 section, or failure to meet the requirements for student  
591 performance stated in the charter.

592 2. Failure to meet generally accepted standards of fiscal  
593 management.

594 3. Violation of law.

595 4. Failure to maintain a valid statement of need.

596 5. Other good cause shown.

597 Section 12. This act shall take effect October 1, 2015.