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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/17/2017	.	
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The Committee on Education (Broxson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1), paragraphs (a), (b), (c), and  
(h) of subsection (6), subsection (7), paragraph (b) of  
subsection (8), paragraph (h) of subsection (12), subsection  
(13), paragraphs (b) and (c) of subsection (17), paragraph (c)  
of subsection (18), subsection (20), paragraphs (a) and (b) of  
subsection (21), and subsections (25) and (28) of section  
1002.33, Florida Statutes, are amended to read:



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12 1002.33 Charter schools.-

13 (1) AUTHORIZATION. ~~Charter schools shall be part of the~~  
14 ~~state's program of public education.~~ All charter schools in  
15 Florida are public schools and shall be part of the state's  
16 program of public education. A charter school may be formed by  
17 creating a new school or converting an existing public school to  
18 charter status. A charter school may operate a virtual charter  
19 school pursuant to s. 1002.45(1)(d) to provide full-time online  
20 instruction to eligible students, pursuant to s. 1002.455, in  
21 kindergarten through grade 12. An existing charter school that  
22 is seeking to become a virtual charter school must amend its  
23 charter or submit a new application pursuant to subsection (6)  
24 to become a virtual charter school. A virtual charter school is  
25 subject to the requirements of this section; however, a virtual  
26 charter school is exempt from subsections (18) and (19),  
27 ~~subparagraphs (20)(a)2., 4., 5., and 7.,~~ paragraph (20)(c), and  
28 s. 1003.03. A public school may not use the term charter in its  
29 name unless it has been approved under this section.

30 (6) APPLICATION PROCESS AND REVIEW.-Charter school  
31 applications are subject to the following requirements:

32 (a) A person or entity seeking to open a charter school  
33 shall prepare and submit an application on the standard ~~a model~~  
34 application form prepared by the Department of Education which:

35 1. Demonstrates how the school will use the guiding  
36 principles and meet the statutorily defined purpose of a charter  
37 school.

38 2. Provides a detailed curriculum plan that illustrates how  
39 students will be provided services to attain the Sunshine State  
40 Standards.



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41           3. Contains goals and objectives for improving student  
42 learning and measuring that improvement. These goals and  
43 objectives must indicate how much academic improvement students  
44 are expected to show each year, how success will be evaluated,  
45 and the specific results to be attained through instruction.

46           4. Describes the reading curriculum and differentiated  
47 strategies that will be used for students reading at grade level  
48 or higher and a separate curriculum and strategies for students  
49 who are reading below grade level. A sponsor shall deny an  
50 application if the school does not propose a reading curriculum  
51 that is consistent with effective teaching strategies that are  
52 grounded in scientifically based reading research.

53           5. Contains an annual financial plan for each year  
54 requested by the charter for operation of the school for up to 5  
55 years. This plan must contain anticipated fund balances based on  
56 revenue projections, a spending plan based on projected revenues  
57 and expenses, and a description of controls that will safeguard  
58 finances and projected enrollment trends.

59           6. Discloses the name of each applicant, governing board  
60 member, and all proposed education services providers; the name  
61 and sponsor of any charter school operated by each applicant,  
62 each governing board member, and each proposed education  
63 services provider that has closed and the reasons for the  
64 closure; and the academic and financial history of such charter  
65 schools, which the sponsor shall consider in deciding whether to  
66 approve or deny the application.

67           7. Contains additional information a sponsor may require,  
68 which shall be attached as an addendum to the charter school  
69 application described in this paragraph.



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70           8. For the establishment of a virtual charter school,  
71 documents that the applicant has contracted with a provider of  
72 virtual instruction services pursuant to s. 1002.45(1)(d).

73           (b) A sponsor shall receive and review all applications for  
74 a charter school using the evaluation instrument developed by  
75 the Department of Education. A sponsor shall receive and  
76 consider charter school applications received on or before  
77 February August 1 of each calendar year for charter schools to  
78 be opened 18 months later at the beginning of the school  
79 district's ~~next~~ school year, or to be opened at a time agreed to  
80 by the applicant and the sponsor. A sponsor may not refuse to  
81 receive a charter school application submitted before February  
82 ~~August~~ 1 and may receive an application submitted later than  
83 February August 1 if it chooses. ~~In order to facilitate greater~~  
84 ~~collaboration in the application process, an applicant may~~  
85 ~~submit a draft charter school application on or before May 1~~  
86 ~~with an application fee of \$500. If a draft application is~~  
87 ~~timely submitted, the sponsor shall review and provide feedback~~  
88 ~~as to material deficiencies in the application by July 1. The~~  
89 ~~applicant shall then have until August 1 to resubmit a revised~~  
90 ~~and final application. The sponsor may approve the draft~~  
91 ~~application. Except as provided for a draft application, A~~  
92 sponsor may not charge an applicant for a charter any fee for  
93 the processing or consideration of an application, and a sponsor  
94 may not base its consideration or approval of a final  
95 application upon the promise of future payment of any kind.  
96 Before approving or denying any ~~final~~ application, the sponsor  
97 shall allow the applicant, upon receipt of written notification,  
98 at least 7 calendar days to make technical or nonsubstantive



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99 corrections and clarifications, including, but not limited to,  
100 corrections of grammatical, typographical, and like errors or  
101 missing signatures, if such errors are identified by the sponsor  
102 as cause to deny the final application.

103 1. In order to facilitate an accurate budget projection  
104 process, a sponsor shall be held harmless for FTE students who  
105 are not included in the FTE projection due to approval of  
106 charter school applications after the FTE projection deadline.  
107 In a further effort to facilitate an accurate budget projection,  
108 within 15 calendar days after receipt of a charter school  
109 application, a sponsor shall report to the Department of  
110 Education the name of the applicant entity, the proposed charter  
111 school location, and its projected FTE.

112 2. In order to ensure fiscal responsibility, an application  
113 for a charter school shall include a full accounting of expected  
114 assets, a projection of expected sources and amounts of income,  
115 including income derived from projected student enrollments and  
116 from community support, and an expense projection that includes  
117 full accounting of the costs of operation, including start-up  
118 costs.

119 3.a. A sponsor shall by a majority vote approve or deny an  
120 application no later than 90 ~~60~~ calendar days after the  
121 application is received, unless the sponsor and the applicant  
122 mutually agree in writing to temporarily postpone the vote to a  
123 specific date, at which time the sponsor shall by a majority  
124 vote approve or deny the application. If the sponsor fails to  
125 act on the application, an applicant may appeal to the State  
126 Board of Education as provided in paragraph (c). If an  
127 application is denied, the sponsor shall, within 10 calendar



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128 days after such denial, articulate in writing the specific  
129 reasons, based upon good cause, supporting its denial of the  
130 application and shall provide the letter of denial and  
131 supporting documentation to the applicant and to the Department  
132 of Education.

133 b. An application submitted by a high-performing charter  
134 school identified pursuant to s. 1002.331 or a high-performing  
135 charter school system identified pursuant to s. 1002.332 may be  
136 denied by the sponsor only if the sponsor demonstrates by clear  
137 and convincing evidence that:

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

140 (II) The charter school proposed in the application does  
141 not materially comply with the requirements in paragraphs  
142 (9) (a) - (f);

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

146 (IV) The applicant has made a material misrepresentation or  
147 false statement or concealed an essential or material fact  
148 during the application process; or

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

152  
153 Material noncompliance is a failure to follow requirements or a  
154 violation of prohibitions applicable to charter school  
155 applications, which failure is quantitatively or qualitatively  
156 significant either individually or when aggregated with other



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157 noncompliance. An applicant is considered to be replicating a  
158 high-performing charter school if the proposed school is  
159 substantially similar to at least one of the applicant's high-  
160 performing charter schools and the organization or individuals  
161 involved in the establishment and operation of the proposed  
162 school are significantly involved in the operation of replicated  
163 schools.

164 c. If the sponsor denies an application submitted by a  
165 high-performing charter school or a high-performing charter  
166 school system, the sponsor must, within 10 calendar days after  
167 such denial, state in writing the specific reasons, based upon  
168 the criteria in sub-subparagraph b., supporting its denial of  
169 the application and must provide the letter of denial and  
170 supporting documentation to the applicant and to the Department  
171 of Education. The applicant may appeal the sponsor's denial of  
172 the application in accordance with ~~directly to the State Board~~  
173 ~~of Education and, if an appeal is filed, must provide a copy of~~  
174 ~~the appeal to the sponsor pursuant to~~ paragraph (c).

175 4. For budget projection purposes, the sponsor shall report  
176 to the Department of Education the approval or denial of an  
177 application within 10 calendar days after such approval or  
178 denial. In the event of approval, the report to the Department  
179 of Education shall include the final projected FTE for the  
180 approved charter school.

181 5. Upon approval of an application, the initial startup  
182 shall commence with the beginning of the public school calendar  
183 for the district in which the charter is granted. A charter  
184 school may defer the opening of the school's operations for up  
185 to 2 years to provide time for adequate facility planning. The



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186 charter school must provide written notice of such intent to the  
187 sponsor and the parents of enrolled students at least 30  
188 calendar days before the first day of school.

189 (c)1. An applicant may appeal any denial of that  
190 applicant's application or failure to act on an application to  
191 the State Board of Education no later than 30 calendar days  
192 after receipt of the sponsor's decision or failure to act and  
193 shall notify the sponsor of its appeal. Any response of the  
194 sponsor shall be submitted to the State Board of Education  
195 within 30 calendar days after notification of the appeal. Upon  
196 receipt of notification from the State Board of Education that a  
197 charter school applicant is filing an appeal, the Commissioner  
198 of Education shall convene a meeting of the Charter School  
199 Appeal Commission to study and make recommendations to the State  
200 Board of Education regarding its pending decision about the  
201 appeal. The commission shall forward its recommendation to the  
202 state board at least 7 calendar days before the date on which  
203 the appeal is to be heard. ~~An appeal regarding the denial of an~~  
204 ~~application submitted by a high-performing charter school~~  
205 ~~pursuant to s. 1002.331 shall be conducted by the State Board of~~  
206 ~~Education in accordance with this paragraph, except that the~~  
207 ~~commission shall not convene to make recommendations regarding~~  
208 ~~the appeal. However, the Commissioner of Education shall review~~  
209 ~~the appeal and make a recommendation to the state board.~~

210 2. The Charter School Appeal Commission ~~or, in the case of~~  
211 ~~an appeal regarding an application submitted by a high-~~  
212 ~~performing charter school, the State Board of Education may~~  
213 reject an appeal submission for failure to comply with  
214 procedural rules governing the appeals process. The rejection





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215 shall describe the submission errors. The appellant shall have  
216 15 calendar days after notice of rejection in which to resubmit  
217 an appeal that meets the requirements set forth in State Board  
218 of Education rule. An appeal submitted subsequent to such  
219 rejection is considered timely if the original appeal was filed  
220 within 30 calendar days after receipt of notice of the specific  
221 reasons for the sponsor's denial of the charter application.

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

231 b. If an appeal concerns an application submitted by a  
232 high-performing charter school identified pursuant to s.  
233 1002.331 or a high-performing charter school system identified  
234 pursuant to s. 1002.332, the State Board of Education shall  
235 determine whether the sponsor's denial was in accordance with  
236 sub-subparagraph (6) (b) 3.b. ~~sponsor has shown, by clear and~~  
237 ~~convincing evidence, that:~~

238 ~~(I) The application does not materially comply with the~~  
239 ~~requirements in paragraph (a);~~

240 ~~(II) The charter school proposed in the application does~~  
241 ~~not materially comply with the requirements in paragraphs~~  
242 ~~(9) (a) - (f);~~

243 ~~(III) The proposed charter school's educational program~~



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244 ~~does not substantially replicate that of the applicant or one of~~  
245 ~~the applicant's high-performing charter schools;~~

246 ~~(IV) The applicant has made a material misrepresentation or~~  
247 ~~false statement or concealed an essential or material fact~~  
248 ~~during the application process; or~~

249 ~~(V) The proposed charter school's educational program and~~  
250 ~~financial management practices do not materially comply with the~~  
251 ~~requirements of this section.~~

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

262 ~~(h) The terms and conditions for the operation of a charter~~  
263 ~~school shall be set forth by the sponsor and the applicant in a~~  
264 ~~written contractual agreement, called a charter. The sponsor may~~  
265 ~~not impose unreasonable rules or regulations that violate the~~  
266 ~~intent of giving charter schools greater flexibility to meet~~  
267 ~~educational goals. The sponsor has 30 days after approval of the~~  
268 ~~application to provide an initial proposed charter contract to~~  
269 ~~the charter school. The applicant and the sponsor have 40 days~~  
270 ~~thereafter to negotiate and notice the charter contract for~~  
271 ~~final approval by the sponsor unless both parties agree to an~~  
272 ~~extension. The proposed charter contract shall be provided to~~



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273 ~~the charter school at least 7 calendar days prior to the date of~~  
274 ~~the meeting at which the charter is scheduled to be voted upon~~  
275 ~~by the sponsor. The Department of Education shall provide~~  
276 ~~mediation services for any dispute regarding this section~~  
277 ~~subsequent to the approval of a charter application and for any~~  
278 ~~dispute relating to the approved charter, except disputes~~  
279 ~~regarding charter school application denials. If the~~  
280 ~~Commissioner of Education determines that the dispute cannot be~~  
281 ~~settled through mediation, the dispute may be appealed to an~~  
282 ~~administrative law judge appointed by the Division of~~  
283 ~~Administrative Hearings. The administrative law judge has final~~  
284 ~~order authority to rule on issues of equitable treatment of the~~  
285 ~~charter school as a public school, whether proposed provisions~~  
286 ~~of the charter violate the intended flexibility granted charter~~  
287 ~~schools by statute, or on any other matter regarding this~~  
288 ~~section except a charter school application denial, a charter~~  
289 ~~termination, or a charter nonrenewal and shall award the~~  
290 ~~prevailing party reasonable attorney's fees and costs incurred~~  
291 ~~to be paid by the losing party. The costs of the administrative~~  
292 ~~hearing shall be paid by the party whom the administrative law~~  
293 ~~judge rules against.~~

294       (7) CHARTER.—The terms and conditions for the operation of  
295 a charter school shall be set forth by the sponsor and the  
296 applicant in a written contractual agreement, called a charter.  
297 The sponsor and the governing board of the charter school shall  
298 use the standard charter contract pursuant to subsection (21),  
299 which shall incorporate the approved application and any addenda  
300 approved with the application. The standard charter contract may  
301 not be altered in any way. Any term or condition of a proposed



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302 charter contract that differs from the standard charter contract  
303 adopted by rule of the State Board of Education shall be  
304 presumed a limitation on charter school flexibility. The sponsor  
305 may not impose unreasonable rules or regulations that violate  
306 the intent of giving charter schools greater flexibility to meet  
307 educational goals ~~The major issues involving the operation of a~~  
308 ~~charter school shall be considered in advance and written into~~  
309 ~~the charter.~~ The charter shall be signed by the governing board  
310 of the charter school and the sponsor, following a public  
311 hearing to ensure community input.

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

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

316 2. The focus of the curriculum, the instructional methods  
317 to be used, any distinctive instructional techniques to be  
318 employed, and identification and acquisition of appropriate  
319 technologies needed to improve educational and administrative  
320 performance which include a means for promoting safe, ethical,  
321 and appropriate uses of technology which comply with legal and  
322 professional standards.

323 a. The charter shall ensure that reading is a primary focus  
324 of the curriculum and that resources are provided to identify  
325 and provide specialized instruction for students who are reading  
326 below grade level. The curriculum and instructional strategies  
327 for reading must be consistent with the Next Generation Sunshine  
328 State Standards and grounded in scientifically based reading  
329 research.

330 b. In order to provide students with access to diverse



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331 instructional delivery models, to facilitate the integration of  
332 technology within traditional classroom instruction, and to  
333 provide students with the skills they need to compete in the  
334 21st century economy, the Legislature encourages instructional  
335 methods for blended learning courses consisting of both  
336 traditional classroom and online instructional techniques.  
337 Charter schools may implement blended learning courses which  
338 combine traditional classroom instruction and virtual  
339 instruction. Students in a blended learning course must be full-  
340 time students of the charter school pursuant to s.  
341 1011.61(1)(a)1. ~~and receive the online instruction in a~~  
342 ~~classroom setting at the charter school.~~ Instructional personnel  
343 certified pursuant to s. 1012.55 who provide virtual instruction  
344 for blended learning courses may be employees of the charter  
345 school or may be under contract to provide instructional  
346 services to charter school students. At a minimum, such  
347 instructional personnel must hold an active state or school  
348 district adjunct certification under s. 1012.57 for the subject  
349 area of the blended learning course. The funding and performance  
350 accountability requirements for blended learning courses are the  
351 same as those for traditional courses.

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

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

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



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360 attending the charter school.

361 c. To the extent possible, how these rates of progress will  
362 be evaluated and compared with rates of progress of other  
363 closely comparable student populations.

364

365 The district school board is required to provide academic  
366 student performance data to charter schools for each of their  
367 students coming from the district school system, as well as  
368 rates of academic progress of comparable student populations in  
369 the district school system.

370 4. The methods used to identify the educational strengths  
371 and needs of students and how well educational goals and  
372 performance standards are met by students attending the charter  
373 school. The methods shall provide a means for the charter school  
374 to ensure accountability to its constituents by analyzing  
375 student performance data and by evaluating the effectiveness and  
376 efficiency of its major educational programs. Students in  
377 charter schools shall, at a minimum, participate in the  
378 statewide assessment program created under s. 1008.22.

379 5. In secondary charter schools, a method for determining  
380 that a student has satisfied the requirements for graduation in  
381 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

384 7. The admissions procedures and dismissal procedures,  
385 including the school's code of student conduct. Admission or  
386 dismissal must not be based on a student's academic performance.

387 8. The ways by which the school will achieve a  
388 racial/ethnic balance reflective of the community it serves or



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389 within the racial/ethnic range of other public schools in the  
390 same school district.

391 9. The financial and administrative management of the  
392 school, including a reasonable demonstration of the professional  
393 experience or competence of those individuals or organizations  
394 applying to operate the charter school or those hired or  
395 retained to perform such professional services and the  
396 description of clearly delineated responsibilities and the  
397 policies and practices needed to effectively manage the charter  
398 school. A description of internal audit procedures and  
399 establishment of controls to ensure that financial resources are  
400 properly managed must be included. Both public sector and  
401 private sector professional experience shall be equally valid in  
402 such a consideration.

403 10. The asset and liability projections required in the  
404 application which are incorporated into the charter and shall be  
405 compared with information provided in the annual report of the  
406 charter school.

407 11. A description of procedures that identify various risks  
408 and provide for a comprehensive approach to reduce the impact of  
409 losses; plans to ensure the safety and security of students and  
410 staff; plans to identify, minimize, and protect others from  
411 violent or disruptive student behavior; and the manner in which  
412 the school will be insured, including whether or not the school  
413 will be required to have liability insurance, and, if so, the  
414 terms and conditions thereof and the amounts of coverage.

415 12. The term of the charter which shall provide for  
416 cancellation of the charter if insufficient progress has been  
417 made in attaining the student achievement objectives of the



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418 charter and if it is not likely that such objectives can be  
419 achieved before expiration of the charter. The initial term of a  
420 charter shall be for 4 or 5 years. In order to facilitate access  
421 to long-term financial resources for charter school  
422 construction, charter schools that are operated by a  
423 municipality or other public entity as provided by law are  
424 eligible for up to a 15-year charter, subject to approval by the  
425 district school board. A charter lab school is eligible for a  
426 charter for a term of up to 15 years. In addition, to facilitate  
427 access to long-term financial resources for charter school  
428 construction, charter schools that are operated by a private,  
429 not-for-profit, s. 501(c)(3) status corporation are eligible for  
430 up to a 15-year charter, subject to approval by the district  
431 school board. Such long-term charters remain subject to annual  
432 review and may be terminated during the term of the charter, but  
433 only according to the provisions set forth in subsection (8).

434 13. The facilities to be used and their location. The  
435 sponsor may not require a charter school to have a certificate  
436 of occupancy or a temporary certificate of occupancy for such a  
437 facility earlier than 15 calendar days before the first day of  
438 school.

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

442 15. The governance structure of the school, including the  
443 status of the charter school as a public or private employer as  
444 required in paragraph (12)(i).

445 16. A timetable for implementing the charter which  
446 addresses the implementation of each element thereof and the





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447 date by which the charter shall be awarded in order to meet this  
448 timetable.

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

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

472 19. Implementation of the activities authorized under s.  
473 1002.331 by the charter school when it satisfies the eligibility  
474 requirements for a high-performing charter school. A high-  
475 performing charter school shall notify its sponsor in writing by



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476 March 1 if it intends to increase enrollment or expand grade  
477 levels the following school year. The written notice shall  
478 specify the amount of the enrollment increase and the grade  
479 levels that will be added, as applicable.

480 (b) The sponsor has 30 days after approval of the  
481 application to provide an initial proposed charter contract to  
482 the charter school. The applicant and the sponsor have 40 days  
483 thereafter to negotiate and notice the charter contract for  
484 final approval by the sponsor unless both parties agree to an  
485 extension. The proposed charter contract shall be provided to  
486 the charter school at least 7 calendar days before the date of  
487 the meeting at which the charter is scheduled to be voted upon  
488 by the sponsor. The Department of Education shall provide  
489 mediation services for any dispute regarding this section  
490 subsequent to the approval of a charter application and for any  
491 dispute relating to the approved charter, except a dispute  
492 regarding a charter school application denial. If the  
493 Commissioner of Education determines that the dispute cannot be  
494 settled through mediation, the dispute may be appealed to an  
495 administrative law judge appointed by the Division of  
496 Administrative Hearings. The administrative law judge has final  
497 order authority to rule on issues of equitable treatment of the  
498 charter school as a public school, whether proposed provisions  
499 of the charter violate the intended flexibility granted charter  
500 schools by statute, or any other matter regarding this section,  
501 except a dispute regarding charter school application denial, a  
502 charter termination, or a charter nonrenewal. The administrative  
503 law judge shall award the prevailing party reasonable attorney  
504 fees and costs incurred during the mediation process,



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505 administrative proceeding, and any appeals, to be paid by the  
506 party whom the administrative law judge rules against.

507 (c)~~(b)~~1. A charter may be renewed provided that a program  
508 review demonstrates that the criteria in paragraph (a) have been  
509 successfully accomplished and that none of the grounds for  
510 nonrenewal established by paragraph (8) (a) has been documented.  
511 In order to facilitate long-term financing for charter school  
512 construction, charter schools operating for a minimum of 3 years  
513 and demonstrating exemplary academic programming and fiscal  
514 management are eligible for a 15-year charter renewal. Such  
515 long-term charter is subject to annual review and may be  
516 terminated during the term of the charter.

517 2. The 15-year charter renewal that may be granted pursuant  
518 to subparagraph 1. shall be granted to a charter school that has  
519 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
520 3 of the past 4 years and is not in a state of financial  
521 emergency or deficit position as defined by this section. Such  
522 long-term charter is subject to annual review and may be  
523 terminated during the term of the charter pursuant to subsection  
524 (8).

525 (d)~~(e)~~ A charter may be modified during its initial term or  
526 any renewal term upon the recommendation of the sponsor or the  
527 charter school's governing board and the approval of both  
528 parties to the agreement. Modification may include, but is not  
529 limited to, consolidation of multiple charters into a single  
530 charter if the charters are operated under the same governing  
531 board and physically located on the same campus, regardless of  
532 the renewal cycle.

533 (e)~~(d)~~ A charter may be terminated by a charter school's



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534 governing board through voluntary closure. The decision to cease  
535 operations must be determined at a public meeting. The governing  
536 board shall notify the parents and sponsor of the public meeting  
537 in writing before the public meeting. The governing board must  
538 notify the sponsor, parents of enrolled students, and the  
539 department in writing within 24 hours after the public meeting  
540 of its determination. The notice shall state the charter  
541 school's intent to continue operations or the reason for the  
542 closure and acknowledge that the governing board agrees to  
543 follow the procedures for dissolution and reversion of public  
544 funds pursuant to paragraphs (8)(e)-(g) and (9)(o).

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

546 (b) At least 90 days before ~~prior to~~ renewing, nonrenewing,  
547 or terminating a charter, the sponsor shall notify the governing  
548 board of the school of the proposed action in writing. The  
549 notice shall state in reasonable detail the grounds for the  
550 proposed action and stipulate that the school's governing board  
551 may, within 14 calendar days after receiving the notice, request  
552 a hearing. The hearing shall be conducted at the sponsor's  
553 election in accordance with one of the following procedures:

554 1. A direct hearing conducted by the sponsor within 60 days  
555 after receipt of the request for a hearing. The hearing shall be  
556 conducted in accordance with ss. 120.569 and 120.57. The sponsor  
557 shall decide upon nonrenewal or termination by a majority vote.  
558 The sponsor's decision shall be a final order; or

559 2. A hearing conducted by an administrative law judge  
560 assigned by the Division of Administrative Hearings. The hearing  
561 shall be conducted within 60 days after receipt of the request  
562 for a hearing and in accordance with chapter 120. The



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563 administrative law judge's recommended order shall be submitted  
564 to the sponsor. A majority vote by the sponsor shall be required  
565 to adopt or modify the administrative law judge's recommended  
566 order. The sponsor shall issue a final order.

567 (12) EMPLOYEES OF CHARTER SCHOOLS.—

568 (h) For the purposes of tort liability, the charter school,  
569 including its governing body and employees, ~~of a charter school~~  
570 shall be governed by s. 768.28.

571 (13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter  
572 into cooperative agreements to form charter school cooperative  
573 organizations that may provide ~~the following services~~ to further  
574 educational, operational, and administrative initiatives in  
575 which the participating charter schools share common interests;  
576 ~~charter school planning and development, direct instructional~~  
577 ~~services, and contracts with charter school governing boards to~~  
578 ~~provide personnel administrative services, payroll services,~~  
579 ~~human resource management, evaluation and assessment services,~~  
580 ~~teacher preparation, and professional development.~~

581 (17) FUNDING.—Students enrolled in a charter school,  
582 regardless of the sponsorship, shall be funded as if they are in  
583 a basic program or a special program, the same as students  
584 enrolled in other public schools in the school district. Funding  
585 for a charter lab school shall be as provided in s. 1002.32.

586 (b) The basis for the agreement for funding students  
587 enrolled in a charter school shall be the sum of the school  
588 district's operating funds from the Florida Education Finance  
589 Program as provided in s. 1011.62 and the General Appropriations  
590 Act, including gross state and local funds, discretionary  
591 lottery funds, and funds from the school district's current



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592 operating discretionary millage levy; divided by total funded  
593 weighted full-time equivalent students in the school district;  
594 multiplied by the weighted full-time equivalent students for the  
595 charter school. Charter schools whose students or programs meet  
596 the eligibility criteria in law are entitled to their  
597 proportionate share of categorical program funds included in the  
598 total funds available in the Florida Education Finance Program  
599 by the Legislature, including transportation, the research-based  
600 reading allocation, and the Florida digital classrooms  
601 allocation. Total funding for each charter school shall be  
602 recalculated during the year to reflect the revised calculations  
603 under the Florida Education Finance Program by the state and the  
604 actual weighted full-time equivalent students reported by the  
605 charter school during the full-time equivalent student survey  
606 periods designated by the Commissioner of Education. For charter  
607 schools operated by a not-for-profit or municipal entity, any  
608 unrestricted surplus or unrestricted net assets identified in  
609 the charter school's annual audit may be used for K-12  
610 educational purposes for other charter schools in the state  
611 operated by the not-for-profit or municipal entity. Surplus  
612 operating funds shall be used in accordance with s. 1011.62, and  
613 surplus capital outlay funds shall be used in accordance with s.  
614 1013.62(2).

615 ~~(c) If the district school board is providing programs or~~  
616 ~~services to students funded by federal funds, any eligible~~  
617 ~~students enrolled in charter schools in the school district~~  
618 ~~shall be provided federal funds for the same level of service~~  
619 ~~provided students in the schools operated by the district school~~  
620 ~~board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all~~



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621 charter schools shall receive all federal funding for which the  
622 school is otherwise eligible, including Title I funding, not  
623 later than 5 months after the charter school first opens and  
624 within 5 months after any subsequent expansion of enrollment.  
625 Unless otherwise mutually agreed to by the charter school and  
626 its sponsor, and consistent with state and federal rules and  
627 regulations governing the use and disbursement of federal funds,  
628 the sponsor shall reimburse the charter school on a monthly  
629 basis for all invoices submitted by the charter school for  
630 federal funds available to the sponsor for the benefit of the  
631 charter school, the charter school's students, and the charter  
632 school's students as public school students in the school  
633 district. Such federal funds include, but are not limited to,  
634 Title I, Title II, and Individuals with Disabilities Education  
635 Act (IDEA) funds. To receive timely reimbursement for an  
636 invoice, the charter school must submit the invoice to the  
637 sponsor at least 30 days before the monthly date of  
638 reimbursement set by the sponsor. In order to be reimbursed, any  
639 expenditures made by the charter school must comply with all  
640 applicable state rules and federal regulations, including, but  
641 not limited to, the applicable federal Office of Management and  
642 Budget Circulars; the federal Education Department General  
643 Administrative Regulations; and program-specific statutes,  
644 rules, and regulations. Such funds may not be made available to  
645 the charter school until a plan is submitted to the sponsor for  
646 approval of the use of the funds in accordance with applicable  
647 federal requirements. The sponsor has 30 days to review and  
648 approve any plan submitted pursuant to this paragraph.

649 (18) FACILITIES.—



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650 (c) Any facility, or portion thereof, used to house a  
651 charter school whose charter has been approved by the sponsor  
652 and the governing board, pursuant to subsection (7), shall be  
653 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
654 community service, museum, performing arts, theatre, cinema,  
655 church, Florida College System institution, college, and  
656 university facilities may provide space to charter schools  
657 within their facilities under their preexisting zoning and land  
658 use designations without obtaining a special exception,  
659 rezoning, a land use charter, or any other form of approval.

660 (20) SERVICES.—

661 (a)1. A sponsor shall provide certain administrative and  
662 educational services to charter schools. These services shall  
663 include contract management services; full-time equivalent and  
664 data reporting services; exceptional student education  
665 administration services; services related to eligibility and  
666 reporting duties required to ensure that school lunch services  
667 under the federal lunch program, consistent with the needs of  
668 the charter school, are provided by the school district at the  
669 request of the charter school, that any funds due to the charter  
670 school under the federal lunch program be paid to the charter  
671 school as soon as the charter school begins serving food under  
672 the federal lunch program, and that the charter school is paid  
673 at the same time and in the same manner under the federal lunch  
674 program as other public schools serviced by the sponsor or the  
675 school district; test administration services, including payment  
676 of the costs of state-required or district-required student  
677 assessments; processing of teacher certificate data services;  
678 and information services, including equal access to student





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679 information systems that are used by public schools in the  
680 district in which the charter school is located. Student  
681 performance data for each student in a charter school,  
682 including, but not limited to, FCAT scores, standardized test  
683 scores, previous public school student report cards, and student  
684 performance measures, shall be provided by the sponsor to a  
685 charter school in the same manner provided to other public  
686 schools in the district.

687 2. A sponsor may withhold an administrative fee for the  
688 provision of such services which shall be a percentage of the  
689 available funds defined in paragraph (17) (b) calculated based on  
690 weighted full-time equivalent students. If the charter school  
691 serves 75 percent or more exceptional education students as  
692 defined in s. 1003.01(3), the percentage shall be calculated  
693 based on unweighted full-time equivalent students. The  
694 administrative fee shall be calculated as follows:

695 a. Up to 5 percent for:

696 (I) Enrollment of up to and including 250 students in a  
697 charter school as defined in this section.

698 (II) Enrollment of up to and including 500 students within  
699 a charter school system which meets all of the following:

700 (A) Includes conversion charter schools and nonconversion  
701 charter schools.

702 (B) Has all of its schools located in the same county.

703 (C) Has a total enrollment exceeding the total enrollment  
704 of at least one school district in the state.

705 (D) Has the same governing board for all of its schools.

706 (E) Does not contract with a for-profit service provider  
707 for management of school operations.



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708 (III) Enrollment of up to and including 250 students in a  
709 virtual charter school.

710 b. Up to 2 percent for enrollment of up to and including  
711 250 students in a high-performing charter school as defined in  
712 s. 1002.331.

713 3. A sponsor may not charge charter schools any additional  
714 fees or surcharges for administrative and educational services  
715 in addition to the maximum percentage of administrative fees  
716 withheld pursuant to this paragraph. A total administrative fee  
717 for the provision of such services shall be calculated based  
718 upon up to 5 percent of the available funds defined in paragraph  
719 (17) (b) for all students, except that when 75 percent or more of  
720 the students enrolled in the charter school are exceptional  
721 students as defined in s. 1003.01(3), the 5 percent of those  
722 available funds shall be calculated based on unweighted full-  
723 time equivalent students. However, a sponsor may only withhold  
724 up to a 5-percent administrative fee for enrollment for up to  
725 and including 250 students. For charter schools with a  
726 population of 251 or more students, the difference between the  
727 total administrative fee calculation and the amount of the  
728 administrative fee withheld may only be used for capital outlay  
729 purposes specified in s. 1013.62(3).

730 ~~3. For high-performing charter schools, as defined in s.~~  
731 ~~1002.331, a sponsor may withhold a total administrative fee of~~  
732 ~~up to 2 percent for enrollment up to and including 250 students~~  
733 ~~per school.~~

734 ~~4. In addition, a sponsor may withhold only up to a 5-~~  
735 ~~percent administrative fee for enrollment for up to and~~  
736 ~~including 500 students within a system of charter schools which~~



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737 ~~meets all of the following:~~  
738       ~~a. Includes both conversion charter schools and~~  
739 ~~nonconversion charter schools;~~  
740       ~~b. Has all schools located in the same county;~~  
741       ~~c. Has a total enrollment exceeding the total enrollment of~~  
742 ~~at least one school district in the state;~~  
743       ~~d. Has the same governing board; and~~  
744       ~~e. Does not contract with a for-profit service provider for~~  
745 ~~management of school operations.~~  
746       ~~5. The difference between the total administrative fee~~  
747 ~~calculation and the amount of the administrative fee withheld~~  
748 ~~pursuant to subparagraph 4. may be used for instructional and~~  
749 ~~administrative purposes as well as for capital outlay purposes~~  
750 ~~specified in s. 1013.62(3).~~  
751       ~~6. For a high-performing charter school system that also~~  
752 ~~meets the requirements in subparagraph 4., a sponsor may~~  
753 ~~withhold a 2-percent administrative fee for enrollments up to~~  
754 ~~and including 500 students per system.~~  
755       ~~7. Sponsors shall not charge charter schools any additional~~  
756 ~~fees or surcharges for administrative and educational services~~  
757 ~~in addition to the maximum 5-percent administrative fee withheld~~  
758 ~~pursuant to this paragraph.~~  
759       ~~8. The sponsor of a virtual charter school may withhold a~~  
760 ~~fee of up to 5 percent. The funds shall be used to cover the~~  
761 ~~cost of services provided under subparagraph 1. and~~  
762 ~~implementation of the school district's digital classrooms plan~~  
763 ~~pursuant to s. 1011.62.~~  
764       (b) If goods and services are made available to the charter  
765 school through the contract with the school district, they shall



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766 be provided to the charter school at a rate no greater than the  
767 district's actual cost unless mutually agreed upon by the  
768 charter school and the sponsor in a contract negotiated  
769 separately from the charter. When mediation has failed to  
770 resolve disputes over contracted services or contractual matters  
771 not included in the charter, an appeal may be made for a dispute  
772 resolution hearing before the Charter School Appeal Commission.  
773 To maximize the use of state funds, school districts shall allow  
774 charter schools to participate in the sponsor's bulk purchasing  
775 program if applicable.

776 (c) Transportation of charter school students shall be  
777 provided by the charter school consistent with the requirements  
778 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
779 body of the charter school may provide transportation through an  
780 agreement or contract with the district school board, a private  
781 provider, or parents. The charter school and the sponsor shall  
782 cooperate in making arrangements that ensure that transportation  
783 is not a barrier to equal access for all students residing  
784 within a reasonable distance of the charter school as determined  
785 in its charter.

786 (d) Each charter school shall annually complete and submit  
787 a survey, provided in a format specified by the Department of  
788 Education, to rate the timeliness and quality of services  
789 provided by the district in accordance with this section. The  
790 department shall compile the results, by district, and include  
791 the results in the report required under sub-sub-subparagraph  
792 (5) (b) 1.k. (III).

793 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

794 (a) The Department of Education shall provide information



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795 to the public, directly and through sponsors, on how to form and  
796 operate a charter school and how to enroll in a charter school  
797 once it is created. This information shall include the standard  
798 ~~a model~~ application form, standard charter contract, standard  
799 evaluation instrument, and standard charter renewal contract,  
800 which shall include the information specified in subsection (7)  
801 and shall be developed by consulting and negotiating with both  
802 school districts and charter schools before implementation. The  
803 charter and charter renewal contracts shall be used by charter  
804 school sponsors.

805 (b)1. The Department of Education shall report to each  
806 charter school receiving a school grade pursuant to s. 1008.34  
807 or a school improvement rating pursuant to s. 1008.341 the  
808 school's student assessment data.

809 2. The charter school shall report the information in  
810 subparagraph 1. to each parent of a student at the charter  
811 school, the parent of a child on a waiting list for the charter  
812 school, the district in which the charter school is located, and  
813 the governing board of the charter school. This paragraph does  
814 not abrogate the provisions of s. 1002.22, relating to student  
815 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
816 Educational Rights and Privacy Act.

817 ~~3.a. Pursuant to this paragraph, the Department of~~  
818 ~~Education shall compare the charter school student performance~~  
819 ~~data for each charter school in subparagraph 1. with the student~~  
820 ~~performance data in traditional public schools in the district~~  
821 ~~in which the charter school is located and other charter schools~~  
822 ~~in the state. For alternative charter schools, the department~~  
823 ~~shall compare the student performance data described in this~~



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824 ~~paragraph with all alternative schools in the state. The~~  
825 ~~comparative data shall be provided by the following grade~~  
826 ~~groupings:~~

827       ~~(I) Grades 3 through 5;~~  
828       ~~(II) Grades 6 through 8; and~~  
829       ~~(III) Grades 9 through 11.~~

830       ~~b. Each charter school shall provide the information~~  
831 ~~specified in this paragraph on its Internet website and also~~  
832 ~~provide notice to the public at large in a manner provided by~~  
833 ~~the rules of the State Board of Education. The State Board of~~  
834 ~~Education shall adopt rules to administer the notice~~  
835 ~~requirements of this subparagraph pursuant to ss. 120.536(1) and~~  
836 ~~120.54. The website shall include, through links or actual~~  
837 ~~content, other information related to school performance.~~

838       (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
839 SCHOOL SYSTEMS.—A charter school system's governing board shall  
840 be designated a local educational agency for the purpose of  
841 receiving federal funds, the same as though the charter school  
842 system were a school district, if the governing board of the  
843 charter school system has adopted and filed a resolution with  
844 its sponsoring district school board and the Department of  
845 Education in which the governing board of the charter school  
846 system accepts the full responsibility for all local education  
847 agency requirements and the charter school system meets all of  
848 the following:

849       ~~(a) Includes both conversion charter schools and~~  
850 ~~nonconversion charter schools;~~

851       (a)~~(b)~~ Has all schools located in the same county;  
852       (b)~~(c)~~ Has a total enrollment exceeding the total



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853 enrollment of at least one school district in the state; and  
854 (c) ~~(d)~~ Has the same governing board; ~~and~~  
855 ~~(e) Does not contract with a for-profit service provider~~  
856 ~~for management of school operations.~~

857

858 Such designation does not apply to other provisions unless  
859 specifically provided in law.

860 (28) RULEMAKING.—The Department of Education, after  
861 consultation with school districts and charter school directors,  
862 shall recommend that the State Board of Education adopt rules to  
863 implement specific subsections of this section. Such rules shall  
864 require minimum paperwork and shall not limit charter school  
865 flexibility authorized by statute. The State Board of Education  
866 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
867 implement a standard charter model application form, standard  
868 application form for the replication of charter schools in a  
869 high-performing charter school system, standard evaluation  
870 instrument, and standard charter and charter renewal contracts  
871 in accordance with this section.

872 Section 2. Paragraph (b) of subsection (2) of section  
873 1002.3305, Florida Statutes, is amended to read:

874 1002.3305 College-preparatory Boarding Academy Pilot  
875 Program for at-risk students.—

876 (2) DEFINITIONS.—As used in this section, the term:

877 (b) "Eligible student" means a student who is a resident of  
878 the state and entitled to attend school in a participating  
879 school district, is at risk of academic failure, is currently  
880 enrolled in grades 5-12, if it is determined by the operator  
881 that a seat is available grade 5 or 6, is from a family whose



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882 gross income is at or below 200 percent of the federal poverty  
883 guidelines, is eligible for benefits or services funded by  
884 Temporary Assistance for Needy Families (TANF) or Title IV-E of  
885 the Social Security Act, and meets at least one of the following  
886 additional risk factors:

887 1. The child is in foster care or has been declared an  
888 adjudicated dependent by a court.

889 2. The student's head of household is not the student's  
890 custodial parent.

891 3. The student resides in a household that receives a  
892 housing voucher or has been determined eligible for public  
893 housing assistance.

894 4. A member of the student's immediate family has been  
895 incarcerated.

896 5. The child is covered under the terms of the state's  
897 Child Welfare Waiver Demonstration project with the United  
898 States Department of Health and Human Services.

899 Section 3. Subsection (3) of section 1002.331, Florida  
900 Statutes, is amended to read:

901 1002.331 High-performing charter schools.—

902 (3) (a) 1. A high-performing charter school may submit an  
903 application pursuant to s. 1002.33(6) in any school district in  
904 the state to establish and operate a new charter school that  
905 will substantially replicate its educational program. An  
906 application submitted by a high-performing charter school must  
907 state that the application is being submitted pursuant to this  
908 paragraph and must include the verification letter provided by  
909 the Commissioner of Education pursuant to subsection (4).

910 2. If the sponsor fails to act on the application within 90





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911 ~~60~~ days after receipt, the application is deemed approved and  
912 the procedure in s. 1002.33(7) ~~1002.33(6)(h)~~ applies. ~~If the~~  
913 ~~sponsor denies the application, the high-performing charter~~  
914 ~~school may appeal pursuant to s. 1002.33(6).~~

915 (b) A high-performing charter school may not establish more  
916 than one charter school within the state under paragraph (a) in  
917 any year. A subsequent application to establish a charter school  
918 under paragraph (a) may not be submitted unless each charter  
919 school established in this manner achieves high-performing  
920 charter school status. However, a high-performing charter school  
921 may establish more than one charter school within the state  
922 under paragraph (a) in any year if it operates in the area of a  
923 persistently low-performing school and serves students from that  
924 school.

925 Section 4. Paragraph (b) of subsection (2) of section  
926 1002.332, Florida Statutes is amended, and paragraph (c) is  
927 added to that subsection, to read:

928 1002.332 High-performing charter school system.-

929 (2) (b) A high-performing charter school system may  
930 replicate its high-performing charter schools in any school  
931 district in the state. The applicant must submit an application  
932 using the standard application form prepared by the Department  
933 of Education which:

934 1. Contains goals and objectives for improving student  
935 learning and a process for measuring student improvement. These  
936 goals and objectives must indicate how much academic improvement  
937 students are expected to demonstrate each year, how success will  
938 be evaluated, and the specific results to be attained through  
939 instruction.



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940           2. Contains an annual financial plan for each year  
941 requested by the charter for operation of the school for up to 5  
942 years. This plan must contain anticipated fund balances based on  
943 revenue projections, a spending plan based on projected revenue  
944 and expenses, and a description of controls that will safeguard  
945 finances and projected enrollment trends.

946           3. Discloses the name of each applicant, governing board  
947 member, and all proposed education services providers; the name  
948 and sponsor of any charter school operated by each applicant,  
949 each governing board member, and each proposed education  
950 services provider that has closed and the reasons for the  
951 closure; and the academic and financial history of such charter  
952 schools, which the sponsor shall consider when deciding whether  
953 to approve or deny the application.

954           (c) An application submitted by a high-performing charter  
955 school system must state that the application is being submitted  
956 pursuant to this section and must include the verification  
957 letter provided by the Commissioner of Education pursuant to  
958 this subsection. If the sponsor fails to act on the application  
959 within 90 days after receipt, the application is deemed approved  
960 and the procedure in s. 1002.33(7) applies pursuant to s.  
961 1002.331(3).

962           Section 5. Paragraph (d) of subsection (3) of section  
963 1008.34, Florida Statutes, is amended to read:

964           1008.34 School grading system; school report cards;  
965 district grade.—

966           (3) DESIGNATION OF SCHOOL GRADES.—

967           (d) The performance of students attending alternative  
968 schools and students designated as hospital or homebound shall



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969 be factored into a school grade as follows:

970       1. The student performance data for eligible students  
971 attending alternative schools, including charter alternative  
972 schools, that provide dropout prevention and academic  
973 intervention services pursuant to s. 1003.53 shall be included  
974 in the calculation of the home school's grade. The term  
975 "eligible students" in this subparagraph does not include  
976 students attending an alternative school who are subject to  
977 district school board policies for expulsion for repeated or  
978 serious offenses, who are in dropout retrieval programs serving  
979 students who have officially been designated as dropouts, or who  
980 are in programs operated or contracted by the Department of  
981 Juvenile Justice. As used in this subparagraph, the term "home  
982 school" means the school to which the student would be assigned  
983 if the student were not assigned to an alternative school. If an  
984 alternative school chooses to be graded under this section,  
985 student performance data for eligible students identified in  
986 this subparagraph shall not be included in the home school's  
987 grade but shall be included only in the calculation of the  
988 alternative school's grade. A school district that fails to  
989 assign statewide, standardized end-of-course assessment scores  
990 of each of its students to his or her home school or to the  
991 alternative school that receives a grade shall forfeit Florida  
992 School Recognition Program funds for one fiscal year. School  
993 districts must require collaboration between the home school and  
994 the alternative school in order to promote student success. This  
995 collaboration must include an annual discussion between the  
996 principal of the alternative school and the principal of each  
997 student's home school concerning the most appropriate school



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998 assignment of the student.

999       2. Student performance data for students designated as  
1000 hospital or homebound shall be assigned to their home school for  
1001 the purposes of school grades. As used in this subparagraph, the  
1002 term "home school" means the school to which a student would be  
1003 assigned if the student were not assigned to a hospital or  
1004 homebound program.

1005       3. Student performance data for a high school student who  
1006 transfers to a private school that has a contractual  
1007 relationship with the school district shall be assigned to the  
1008 school in which the student was last enrolled.

1009       Section 6. Subsection (3) of section 1008.341, Florida  
1010 Statutes, is amended to read:

1011       1008.341 School improvement rating for alternative  
1012 schools.—

1013       (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student  
1014 Learning Gains based on statewide, standardized assessments,  
1015 including retakes, administered under s. 1008.22 for all  
1016 eligible students who were assigned to and enrolled in the  
1017 school during the October or February FTE count and who have  
1018 assessment scores, concordant scores, or comparable scores for  
1019 the preceding school year shall be used in determining an  
1020 alternative school's school improvement rating. An alternative  
1021 school's rating shall be based on the following components:

1022       (a) The percentage of eligible students who make Learning  
1023 Gains in English Language Arts as measured by statewide,  
1024 standardized assessments under s. 1008.22(3).

1025       (b) The percentage of eligible students who make Learning  
1026 Gains in mathematics as measured by statewide, standardized



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1027 assessments under s. 1008.22(3).

1028

1029 Student performance results of students who are subject to  
1030 district school board policies for expulsion for repeated or  
1031 serious offenses, who are in dropout retrieval programs serving  
1032 students who have officially been designated as dropouts, or who  
1033 are in programs operated or contracted by the Department of  
1034 Juvenile Justice may not be included in an alternative school's  
1035 school improvement rating.

1036 Section 7. Paragraph (i) of subsection (1) of section  
1037 1011.62, Florida Statutes, is amended to read:

1038 1011.62 Funds for operation of schools.—If the annual  
1039 allocation from the Florida Education Finance Program to each  
1040 district for operation of schools is not determined in the  
1041 annual appropriations act or the substantive bill implementing  
1042 the annual appropriations act, it shall be determined as  
1043 follows:

1044 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1045 OPERATION.—The following procedure shall be followed in  
1046 determining the annual allocation to each district for  
1047 operation:

1048 (i) *Calculation of full-time equivalent membership with*  
1049 *respect to dual enrollment instruction.*—Students enrolled in  
1050 dual enrollment instruction pursuant to s. 1007.271 may be  
1051 included in calculations of full-time equivalent student  
1052 memberships for basic programs for grades 9 through 12 by a  
1053 district school board. Instructional time for dual enrollment  
1054 may vary from 900 hours; however, the full-time equivalent  
1055 student membership value shall be subject to the provisions in



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1056 s. 1011.61(4). Dual enrollment full-time equivalent student  
1057 membership shall be calculated in an amount equal to the hours  
1058 of instruction that would be necessary to earn the full-time  
1059 equivalent student membership for an equivalent course if it  
1060 were taught in the school district. Students in dual enrollment  
1061 courses may also be calculated as the proportional shares of  
1062 full-time equivalent enrollments they generate for a Florida  
1063 College System institution or university conducting the dual  
1064 enrollment instruction. Early admission students shall be  
1065 considered dual enrollments for funding purposes. Students may  
1066 be enrolled in dual enrollment instruction provided by an  
1067 eligible independent college or university and may be included  
1068 in calculations of full-time equivalent student memberships for  
1069 basic programs for grades 9 through 12 by a district school  
1070 board. However, those provisions of law which exempt dual  
1071 enrolled and early admission students from payment of  
1072 instructional materials and tuition and fees, including  
1073 laboratory fees, shall not apply to students who select the  
1074 option of enrolling in an eligible independent institution. An  
1075 independent college or university, ~~which is located and~~  
1076 ~~chartered in Florida,~~ is not for profit, is accredited by a  
1077 regional or national accrediting agency recognized by the United  
1078 States Department of Education ~~the Commission on Colleges of the~~  
1079 ~~Southern Association of Colleges and Schools or the Accrediting~~  
1080 ~~Council for Independent Colleges and Schools,~~ and confers  
1081 degrees as defined in s. 1005.02 shall be eligible for inclusion  
1082 in the dual enrollment or early admission program. Students  
1083 enrolled in dual enrollment instruction shall be exempt from the  
1084 payment of tuition and fees, including laboratory fees. No



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1085 student enrolled in college credit mathematics or English dual  
1086 enrollment instruction shall be funded as a dual enrollment  
1087 unless the student has successfully completed the relevant  
1088 section of the entry-level examination required pursuant to s.  
1089 1008.30.

1090 Section 8. Subsection (2) of section 1011.71, Florida  
1091 Statutes, is amended, and subsection (10) is added to that  
1092 section, to read:

1093 1011.71 District school tax.—

1094 (2) In addition to the maximum millage levy as provided in  
1095 subsection (1), each school board may levy not more than 1.5  
1096 mills against the taxable value for school purposes for district  
1097 schools and charter schools-in-a-municipality, including charter  
1098 schools at the discretion of the school board, to fund:

1099 (a) New construction and remodeling projects, as set forth  
1100 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
1101 educational plant survey pursuant to s. 1013.31, without regard  
1102 to prioritization, sites and site improvement or expansion to  
1103 new sites, existing sites, auxiliary facilities, athletic  
1104 facilities, or ancillary facilities.

1105 (b) Maintenance, renovation, and repair of existing school  
1106 plants or of leased facilities to correct deficiencies pursuant  
1107 to s. 1013.15(2).

1108 (c) The purchase, lease-purchase, or lease of school buses.

1109 (d) The purchase, lease-purchase, or lease of new and  
1110 replacement equipment; computer hardware, including electronic  
1111 hardware and other hardware devices necessary for gaining access  
1112 to or enhancing the use of electronic content and resources or  
1113 to facilitate the access to and the use of a school district's



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1114 digital classrooms plan pursuant to s. 1011.62, excluding  
1115 software other than the operating system necessary to operate  
1116 the hardware or device; and enterprise resource software  
1117 applications that are classified as capital assets in accordance  
1118 with definitions of the Governmental Accounting Standards Board,  
1119 have a useful life of at least 5 years, and are used to support  
1120 districtwide administration or state-mandated reporting  
1121 requirements.

1122 (e) Payments for educational facilities and sites due under  
1123 a lease-purchase agreement entered into by a district school  
1124 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
1125 exceeding, in the aggregate, an amount equal to three-fourths of  
1126 the proceeds from the millage levied by a district school board  
1127 pursuant to this subsection. The three-fourths limit is waived  
1128 for lease-purchase agreements entered into before June 30, 2009,  
1129 by a district school board pursuant to this paragraph.

1130 (f) Payment of loans approved pursuant to ss. 1011.14 and  
1131 1011.15.

1132 (g) Payment of costs directly related to complying with  
1133 state and federal environmental statutes, rules, and regulations  
1134 governing school facilities.

1135 (h) Payment of costs of leasing relocatable educational  
1136 facilities, of renting or leasing educational facilities and  
1137 sites pursuant to s. 1013.15(2), or of renting or leasing  
1138 buildings or space within existing buildings pursuant to s.  
1139 1013.15(4).

1140 (i) Payment of the cost of school buses when a school  
1141 district contracts with a private entity to provide student  
1142 transportation services if the district meets the requirements





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1143 of this paragraph.

1144 1. The district's contract must require that the private  
1145 entity purchase, lease-purchase, or lease, and operate and  
1146 maintain, one or more school buses of a specific type and size  
1147 that meet the requirements of s. 1006.25.

1148 2. Each such school bus must be used for the daily  
1149 transportation of public school students in the manner required  
1150 by the school district.

1151 3. Annual payment for each such school bus may not exceed  
1152 10 percent of the purchase price of the state pool bid.

1153 4. The proposed expenditure of the funds for this purpose  
1154 must have been included in the district school board's notice of  
1155 proposed tax for school capital outlay as provided in s.  
1156 200.065(10).

1157 (j) Payment of the cost of the opening day collection for  
1158 the library media center of a new school.

1159 (10) A school board that levies the discretionary millage  
1160 authorized in subsection (2) shall use the following methodology  
1161 to determine the amount of revenue that must be shared with a  
1162 charter school-in-a-municipality:

1163 (a) Reduce the total discretionary millage revenue by the  
1164 school district's annual debt service obligation incurred as of  
1165 March 1, 2017.

1166 (b) Divide the sum of the school district's adjusted  
1167 discretionary millage revenue by the school district's total  
1168 capital outlay full-time equivalent membership and the total  
1169 number of unweighted full-time equivalent students of each  
1170 eligible charter school-in-a-municipality to determine a capital  
1171 outlay allocation per full-time equivalent student.



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1172           (c) Multiply the capital outlay allocation per full-time  
1173 equivalent student by the total number of full-time equivalent  
1174 students of each eligible charter school-in-a-municipality to  
1175 determine the capital outlay allocation for each charter school-  
1176 in-a-municipality.

1177           (d) If applicable, adjust the capital outlay allocation  
1178 identified in paragraph (c) by the total amount of state funds  
1179 allocated to each eligible charter school-in-a-municipality in  
1180 s. 1013.62(2) to determine the maximum calculated capital outlay  
1181 allocation.

1182  
1183 The school district shall distribute capital outlay funds to  
1184 charter schools-in-a-municipality no later than February 1 of  
1185 each year, beginning on February 1, 2018, for the 2017-2018  
1186 fiscal year.

1187           Section 9. Paragraph (a) of subsection (1) of section  
1188 1013.62, Florida Statutes, is amended to read:

1189           1013.62 Charter schools capital outlay funding.-

1190           (1) In each year in which funds are appropriated for  
1191 charter school capital outlay purposes, the Commissioner of  
1192 Education shall allocate the funds among eligible charter  
1193 schools as specified in this section.

1194           (a) To be eligible for a funding allocation, a charter  
1195 school must:

1196           1.a. Have been in operation for 2 or more years;

1197           b. Be governed by a governing board established in the  
1198 state for 3 or more years which operates both charter schools  
1199 and conversion charter schools within the state;

1200           c. Be an expanded feeder chain of a charter school within



1201 the same school district that is currently receiving charter  
1202 school capital outlay funds;  
1203 d. Have been accredited by the Commission on Schools of the  
1204 Southern Association of Colleges and Schools; or  
1205 e. Serve students in facilities that are provided by a  
1206 business partner for a charter school-in-the-workplace pursuant  
1207 to s. 1002.33(15) (b) .  
1208 2. Have an annual audit that does not reveal any of the  
1209 financial emergency conditions provided in s. 218.503(1) for the  
1210 most recent fiscal year for which such audit results are  
1211 available.  
1212 ~~3. Have satisfactory student achievement based on state~~  
1213 ~~accountability standards applicable to the charter school.~~  
1214 ~~3.4.~~ Have received final approval from its sponsor pursuant  
1215 to s. 1002.33 for operation during that fiscal year.  
1216 ~~4.5.~~ Serve students in facilities that are not provided by  
1217 the charter school's sponsor.  
1218 Section 10. This act shall take effect July 1, 2017.

1220 ===== T I T L E A M E N D M E N T =====

1221 And the title is amended as follows:

1222 Delete everything before the enacting clause  
1223 and insert:

1224 A bill to be entitled  
1225 An act relating to K-12 education; amending s.  
1226 1002.33, F.S.; revising the charter school application  
1227 process; revising the appeals process for a denied  
1228 charter school application; requiring the use of the  
1229 standard contract by specified entities; revising



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1230 eligibility requirements for charter school students  
1231 enrolled in blended learning courses; clarifying  
1232 provisions relating to charter schools and tort  
1233 liability; revising the purpose of charter school  
1234 cooperatives; authorizing the use of unrestricted net  
1235 assets and unrestricted surplus for specified charter  
1236 schools; requiring such funds to be used in accordance  
1237 with specified provisions; revising the public  
1238 information disclosures of charter schools;  
1239 authorizing certain entities to share facilities with  
1240 charter schools without additional approval; revising  
1241 the administrative fees that a district may withhold  
1242 from charter schools; requiring charter schools to  
1243 complete and submit an annual survey; deleting a  
1244 requirement that the Department of Education compare  
1245 certain data; revising eligibility criteria for  
1246 designated local educational agency status; amending  
1247 1002.3305, F.S.; revising the definition for the term  
1248 "eligible student" for purposes of the College-  
1249 preparatory Boarding Academy Pilot Program; amending  
1250 s. 1002.331, F.S.; conforming provisions to changes  
1251 made by the act; authorizing a high-performing charter  
1252 school to establish more than one charter school in  
1253 any year under certain circumstances; amending s.  
1254 1002.332, F.S.; authorizing a high-performing charter  
1255 school system to replicate its schools in any school  
1256 district and providing application requirements  
1257 therefor; amending s. 1008.34, F.S.; revising the  
1258 student performance data to be included in school



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1259 grades; amending s. 1008.341, F.S.; including  
1260 concordant scores in the calculation of an alternative  
1261 school's school improvement rating; amending s.  
1262 1011.62, F.S.; revising eligibility criteria for  
1263 postsecondary institutions to participate in the dual  
1264 enrollment and early admission programs; amending s.  
1265 1011.71, F.S.; requiring district schools to share  
1266 discretionary millage with charter schools-in-a-  
1267 municipality and providing a distribution methodology  
1268 therefor; amending s. 1013.62, F.S.; revising  
1269 eligibility criteria for charter schools to receive  
1270 charter school capital outlay funding; providing an  
1271 effective date.